(14) (14) (11)

No. 94-805, 94-806, and 94-988

In the Supreme Court of the United States
OCTOBER TERM, 1995

GEORGE W. BUSH, Governor of Texas, *et al.*,
Appellant-Applicants,

vs.

AL VERA, *et al.*,
Appellee-Respondents.

REV. WILLIAM LAWSON, *et al.*,
and
ROBERT REYES, *et al.*,
Appellants,

vs.

AL VERA, *et al.*,
Appellees.

UNITED STATES OF AMERICA,
Appellants,

vs.

AL VERA, *et al.*
Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

JOINT APPENDIX

(Counsel listed on inside cover)

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Docket Sheet

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AL VERA, et al., Plaintiffs,	)	
v.	)	C.A. No. H-94-0277
ANN RICHARDS, et al., Defendants,	)	
v.	)	
REV. WILLIAM LAWSON, et al., Defendant-Intervenors,	)	
v.	)	
UNITED STATES OF AMERICA Defendant-Intervenor,	)	
LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC) OF TEXAS, et al., Defendant-Intervenors.	)	

01/26/94	1	COMPLAINT filed; FILING FEE $120.00 RECEIPT # 432949 (1 [Entry date 01/27/94]

01/26/94	1	MOTION |for permanent injunction|, |for declaratory judgment|, and |for preliminary injunction| by Al Vera, et al , |Motion Docket Date 2/15/94 [1-1] motion, 2/15/94 [1-2] motion, 2/15/94 [1-3] motion| , filed. (Part 2 of #1) (la) [Entry date 01/27/94]
01/26/94	2	ORDER FOR CONFERENCE | set pretrial conference for 10:00 5/13/94 before Magistrate Judge Marcia A. Crone|. | set scheduling conference for 10:00 5/13/94 before Magistrate Judge Marcia A. Crone| , entered; Parties notified. (signed by Judge David Hittner) (la) [Entry date 01/27/94]
01/26/94	3	APPLICATION |for Paul Loy Hurd to appear as attorney-in-charge for plaintiffs| by Al Vera, et al , |Motion Docket Date 2/15/94 [3-1] motion| , filed. (la) [Entry date 01/27/94]
01/26/94	---	SUMMONS issued for Ann Richards, Bob Bullock, Dam Morales, Pete Laney, John Hannah Jr (la) [Entry date 01/27/94]
01/31/94	---	**Added for Al Vera, Bill Calhoun, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas attorney Paul Loy Hurd (la)
01/31/94	4	ORDER granting [3-1] motion for Paul Loy Hurd to appear as attorney-in-charge for plaintiffs , entered; Parties notified.

		(signed by Judge David Hittner) (hs) [Entry date 02/01/94]
02/01/94	5	ORDER CONSTITUTING THREE-JUDGE COURT: This case to be heard exclusively by a three-judge Ct.; Judge Daivd Hittner, Judge Melinda Harmon and Judge Edith H Jones. , entered; Parties notified. (signed by Chief Judge 5th Circ Henry A. Politz) (hs)
02/01/94	6	ORDER , that an original and one copy of all documents in this case, submitted by all attys and other interested parties, be filed and a courtesy copy of all documents shall be delivered to the Chambers of Judge Edith Jones, Judge David Hittner and Judge Melinda Harmon. entered; Parties notified. (signed by Judge David Hittner) (hs)
02/09/94	7	ORDER | set status conference for 10:00 2/22/94|, entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 02/10/94]
02/15/94	8	ACKNOWLEDGEMENT OF SERVICE as to John Hannah Jr 2/1/94 filed Answer due on 2/21/94 for John Hannah Jr (ph) [Entry date 02/16/94]
02/22/94	---	**Added party USA (ph) [Entry date 02/26/94]
02/22/94	9	MOTION |for leave to participate as amicus curiae by USA, |Motion Docket

Date 3/14/94 [9-1] motion| , filed. (ph) [Entry date 02/26/94]

02/22/94 10 MEMORANDUM OF POINTS AND AUTHORITIES by USA in support of [9-1] motion for leave to participate as amicus curiae , filed (ph) [Entry date 02/26/94]

02/22/94 11 Minute entry: Status Conf held; App: Hirtz, Hurd, Hick, Doyle and Herrera. Cnsl to submit copies of maps Briefsi re Prel Inj to be filed by 2/24/94. |terminated deadlines| Ct Reporter: Perry (hs) [Entry date 02/26/94]

02/24/94 12 MOTION |in limine| by Al Vera et al, |Motion Docket Date 3/16/94 [12-1] motion| , filed. (hs) [Entry date 02/26/94]

02/24/94 13 MEMORANDUM by Al Vera et al in support of [12-1] motion in limine , filed (hs) [Entry date 02/26/94]

02/24/94 14 MOTION |for hrg on preliminary injunction be consolidated with and heard in an expedited hrg | by Al Vera et al, |Motion Docket Date 3/16/94 [14-1] motion| , filed. (hs) [Entry date 02/26/94]

02/24/94 15 MEMORANDUM by Al Vera et al in support of [14-1] motion for hrg on preliminary injunction be consolidated with and heard in an expedited hrg , filed (hs) [Entry date 02/26/94]

02/25/94 16 SUPPLEMENT to [13-1] support memorandum, of [12-1] motion in limine by Al Vera et al , filed. (hs) [Entry date 02/28/94]

03/01/94 --- **Added for USA attorney Steven H Rosenbaum (hs)

03/02/94 17 ORDER denying Pltf's [14-1] motion for hrg on preliminary injunction be consolidated with and heard in an expedited hrg. | Set trial date 10:00 6/28/94|, and | set pretrial conference for 10:00 6/16/94| , entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 03/03/94]

03/02/94 18 ORDER granting USA's [9-1] motion for leave to participate as amicus curiae , entered; Parties notified. (signed by David Hittner) (hs) [Entry date 03/03/94]

03/02/94 19 RESPONSE by Ann Richards, Bob Bullock, Dam Morales, Pete Laney, John Hannah Jr in opposition to Pltfs [12-1] motion in limine , filed (ph) [Entry date 03/04/94]

03/02/94 20 RESPONSE by Ann Richards, Bob Bullock, Dam Morales, Pete Laney, John Hannah Jr in opposition to Pltfs [14-1] motion [for hrg on preliminary injunction be consolidated with and heard in an expedited hrg , filed (ph.) [Entry date 03/04/94]

03/14/94	21	ANSWER to Complaint by Ann Richards, Bob Bullock, Dam Morales, Pete Laney, John Hannah Jr (Added attorney Renea Hicks), filed. (ph) [Entry date 03/15/94]
03/23/94	22	ORDER [Defts shall deliver the aforementioned documents to the Chambers of Judge Hittner on or before 4:00 4/6/94 , entered; Parties notified. (signed by Judge David Hittner (hs) [Entry date 03/25/94]
03/23/94	23	Trial Scheduling ORDER: On or before 5/31/94 each party file a detailed trial plan indicating proposed time allotments for each remaining state of the trial. Each party shall file a final trial plan on or before 6/9/94 by 4pm and [set scheduling conference for 10:00 6/16/94] , entered. Parties notified. (signed by Judge David Hittner (hs) [Entry date 03/25/94]
03/25/94	24	ANSWER to Complaint by USA (Added attorney Nancy Herrera), filed. (hs) [Entry date 03/28/94]
03/25/94	25	MOTION [to intervene by United States[. [Motion Docket Date 4/14/94 [25-1] motion[, filed. (hs) [Entry date 03/28/94]
03/25/94	26	MEMORANDUM by United States in support of [25-1] motion to intervene by United States , filed (hs) [Entry date 03/28/94]
03/29/94	27	MOTION [for Penda Hair to appear pro hac vice] by Ann Richards, Bob Bullock,

Dan Morales, Pete Laney, John Hannah Jr. [Motion Docket Date 4/18/94 [27-1] motion[, filed. (ph) [Entry date 03/31/94]

03/29/94	28	MOTION [to intervene as defts] by William Lawson, Zollie Scales Jr, Jew Don Boney, Delloyd Parker, Dewan Perry, Ceasar Clark. [Motion Docket Date 4/18/94 [28-1] motion[, filed. (ph) [Entry date 03/31/94]
03/29/94	29	MEMORANDUM OF POINTS and Authorities by William Lawson, Zollie Scales Jr, Jew Don Boney, Delloyd T Parker, Dewan Perry, Ceasar Clark in support of [28-1] motion to intervene as defts , filed (ph) [Entry date 03/31/94]
03/29/94	30	ANSWER/RESPONSE by William Lawson, Zollie Scales Jr, Jew Don Boney, Delloyd T Parker, Dewan Perry, Ceasar Clark to Pltfs [1-1] motion for permanent injunction, [1-2] motion for declaratory judgment, [1-3] motion for preliminary injunction, and Pltfs [1-1] complaint , filed. (ph) [Entry date 03/31/94]
04/08/94	—	Rec'd one copy of the State of Texas's submission for section 5 preclearance of its Congressional redistricting plan, in compliance w/the Civ Order entered on 3/25/94. Sent to CRD. (hs) [Entry date 04/12/94]
04/15/94	31	MOTION to intervene by League of United Lat by League of United Lat.

|Motion Docket Date 5/5/94 [31-1] motion| , filed. (hs) [Entry date 04/18/94]

04/15/94 32 MEMORANDUM by League of United Lat in support of [31-1] motion to intervene by League of United Lat , filed (hs) [Entry date 04/18/94]

04/29/94 33 STIPULATION of dismissal, filed (hs) [Entry date 05/04/94]

05/04/94 34 ORDER denying United States [25-1] motion to intervene by United States; granting William Lawson, Zollie Scales, Jr., Jew Don Boney, Deloyd T Parker, Dewan Perry, and Caesar Clark [28-1] motion to intervene as defts; denying w/o prejudice League of United Latin American Citizens [31-1] motion to intervene by League of United Lat , entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 05/05/94]

05/06/94 35 ORDER granting [27-1] motion for Penda Hair to appear pro hac vice , for deft-intervenors Lawson, Scales, Boney, Parker, Perry and Clark, entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 05/06/94]

05/09/94 36 MOTION |for continuance of trial until 10/3/94| by Ann Richards et al, |Motion Docket Date 5/29/94 [36-1] motion|, filed. (hs) [Entry date 05/10/94]

05/10/94 37 ORDER , that an original and one copy of all documents in this cause submitted by

all attys and other interested parties shall be filed with the U.S. District Clerk. A |courtesy copy of all documents shall be delivered to the chambers of Judge Edith Jones, U.S. Circuit Judge, Judge David Hittner, U.S. District Judge, and Melinda Harmon, U.S. District Judge. Parties are directed to obtain a receipt indicating delivery of submitted courtesy copies from the Judges' chambers. Failure of attys or other interested parties to comply with this Order will lead to possible sanctions by the Ct. entered; Parties notified. (signed by Judge David Eittner) (hs)

05/12/94 38 MOTION |for reconsideration of [34-1] order|, and |to intervene by United States| by United States, |Motion Docket Date 6/1/94 [38-1] motion, 6/1/94 [38-2] motion| , filed. (oeod 5/17/94) (hs) [Entry date 05/18/94]

05/12/94 39 MEMORANDUM by United State in support of [38-1] motion for reconsideration of [34-1] order, [38-2] motion to intervene by United States , filed (oeod 5/17/94) (hs) [Entry date 05/18/94]

05/16/94 40 MOTION |for reconsideration of [34-1] order| by League of United Lat, |Motion Docket Date 6/5/94 [40-1] motion| , filed. (mis) [Entry date 05/20/94]

05/16/94 41 MEMORANDUM by League of United Lat in support of [40-1] motion for

reconsideration of [34-1] order , filed (mis) [Entry date 05/20/94]

05/20/94 42 ORDER denying Defts [36-1] motion for continuance of trial until 10/3/94 , entered; Parties notified. (signed by Judge David Hittner) (ph.)

04/20/94 43 ORDER granting [38-2] motion to intervene by United States and granting [38-1] motion for reconsideration of [34-1] order entered; Parties notified. The United States is subject to the trial scheduling order and to any other scheduling order. This intervention will not be grounds for a continuance of the trial. (signed by Judge David Hittner (ph) [Entry date 05/20/94]

05/18/94 44 MEMORANDUM by William Lawson, Zollie Scales Jr, Jew Don Boney, Deloyd T Parker, Dewan Perry, Ceasar Clark in support of Defts Motion for Continuance. filed (ph) [Entry date 05/23/94]

05/18/94 45 MEMORANDUM IN RESPONSE by Al Vera, Bill Calhoun, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas to League of United Latin American's [40-1] motion for reconsideration of [34-1] order , filed. (ph) [Entry date 05/23/94]

05/18/94 46 MEMORANDUM by Al Vera in opposition to the USA's [38-1] motion for expedited reconsideration of [34-1] order re the Motion of the United States For

Permissive Intervention and Motion of the United States for Intervention of Right, filed (ph) [Entry date 05/23/94]

05/18/94 47 MEMORANDUM by Al Vera, Bill Calhoun, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas in opposition to State Defts [36-1] motion for continuance of trial until 10/3/94 , filed (with attached appendix) (ph) [Entry date 05/24/94]

05/23/94 48 AMENDED ORDER (reset trial date 10:00 6/27/94. The pretrial conf in the case is reconfirmed for Thursday, 6/16/94 at 10:00am. , entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 05/24/94]

05/23/94 49 ORDER denying League of United American Citizens of Texas [40-1] motion for reconsideration of [34-1] order , entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 05/24/94]

05/23/94 50 ORDER , Granting Mtn to add deft intervenors Fred Heilbronn, David Jones and Judy Zimmerman, entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 05/24/94]

05/20/94 51 MOTION to add deft-intervenors by William Lawson. [Motion Docket Date 6/9/94 [51-1] motions , filed. (hs) [Entry date 05/25/94]

05/27/94 52 ORDER ... Amended Motion of LULAC for Intervention as Deft is GRANTED; the Motion of Individual Applicants for Intervention as Defts with the League of United Latin American Citizens of Texas LULAC ... entered; Parties notified. (signed by Judge David Hittner) (bn)

05/26/94 53 MOTION to intervene by League of United Lat by Robert Reyes, Angie Garcia, Robert Anguiano, Dalia Robles, Yvonne Dominguez, Oscar T Garcia, Ramon Gamboa. (Motion Docket Date 6/13/94) (53-1) motion ... filed. (bn) (Entry date 05/27/94)

05/26/94 54 MEMORANDUM by Robert Reyes et al in support of [53-1] motion to intervene by League of United Lat ... filed. (bn) (Entry date 05/27/94)

05/26/94 55 AMENDED MOTION to expedite reconsideration of mtn of LULAC of Texas for intervention as deft by League of United Lat. (Motion Docket Date 6/13/94) (55-1) motion ... filed. (bn) (Entry date 05/27/94)

05/26/94 56 MEMORANDUM by League of United Lat in support of [55-1] motion to expedite reconsideration of mtn of LULAC of Texas for intervention as deft. ... filed. (bn) (Entry date 05/27/94)

05/27/94 57 INITIAL TRIAL PLAN listing of witnesses by Robert Reyes ... filed. (bn)

05/31/94 58 TRIAL PLAN by United States. filed. (ks) (Entry date 06/03/94)

05/31/94 59 PRELIMINARY TRIAL PLAN by State Defts Ann Richards, etal. filed. (ks) (Entry date 06/03/94)

05/31/94 60 PRELIMINARY TRIAL PLAN by all The Lawyer Defendant-Intervenors. filed. (ks) (Entry date 06/03/94)

06/03/94 61 ORDER ... that the parties be allocated the following total trial time for direct, cross, redirect, and recross examinations, opening statements, votes, and summations: Plntf case is allocated 12.5 total hours. entered; Parties notified. (signed by Judge David Hittner) (bn)

06/03/94 62 Initial Detailed TRIAL PLAN by Al Vera filed. (bn) (Entry date 06/03/94)

06/03/94 63 INITIAL DETAILED TRIAL PLAN by Al Vera, Edward Clark, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas ... filed. (mac) (Entry date 06/06/94)

06/13/94 64 UNOPPOSED MOTION for allow to Dana and Alice L Brown to appear pro hac vice by Def Intervenors William Lawson, Dottie Snyder, E Jane Doe Brown, Leonard T Perique, Dennis Perry, Cesar Chin. (Motion Docket Date 7/4/94) (64-1) motion ... filed. (bn) (Entry date 06/15/94)

06/13/94 65 MOTION |to bifurcate trial| by Movant United States, |Motion Docket Date 7/3/94 [65-1] motion|, filed. (ks) [Entry date 06/15/94]

06/13/94 66 MEMORANDUM OF POINTS & AUTHORITIES by United States in support of [65-1] motion to bifurcate trial, filed (ks) [Entry date 06/15/94]

06/16/94 67 MEMORANDUM by USA in opposition to [65-1] motion to bifurcate trial , filed (hs)

06/16/94 68 MOTION |for protective order| by Al Vera et al, |Motion Docket Date 7/6/94 [68-1] motion| , filed. (hs)

06/16/94 69 MOTION |in limine| by Al Vera et al, |Motion Docket Date 7/6/94 [69-1] motion| , filed. (hs)

06/16/94 70 Minute entry: Pre-Trial Conf. App: Hurd, Hirtz , Hicks and Cruz, Hume, Sanders-Castro and Reyes. Pltfs to advise Ct as to which districts are not to be included or to supply case law supporting their position. Pltf to give expert witness list to deft 6/18/94, Deft to give expert witness list to pltf, 6/22/94 - Deft to give expert witness list to pltf. Parties to exchange exhibit lists 6/22/94. Parties to exhange exhibit list 6/22/94. Parties to exchange proposed stipulation, with a copy to the Ct. 6/24/94. Parties to exchange exhibits 6/25/94. |terminated deadlines| Ct Reporter: Warner (hs)

06/16/94 71 Specification of those Congressional Districts under Challenge by Al Vera, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas , filed (hs) [Entry date 06/17/94]

06/17/94 72 STIPULATION of dismissal, filed (hs)

06/17/94 73 ORDER: The [65-1] motion to bifurcate trial is DENIED. | proposed findings of fact and conclusions of law to be filed by 7/15/94.|, | defts expert witness list due for 6/21/94; parties shall exchange exhibits by 6/25/94| , entered; Parties notified. Summation shall be conducted by the parties at the close of evidence at the time of trial. (signed by Judge David Hittner) (ph) [Entry date 06/20/94]

06/17/94 74 ORDER granting Deft's [64-1] motion for Allison M Zieve and Alice L Brown to appear pro hac vice , entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 06/20/94]

06/20/94 75 MEMORANDUM by Al Vera et al in support of [68-1] motion for protective order , filed (hs) [Entry date 06/21/94] [Edit date 06/21/94]

06/20/94 76 MOTION |for Stephen Katsurinis to appear pro hac vice| by Al Vera et al, |Motion Docket Date 7/10/94 [76-1] motion| , filed. (hs) [Entry date 06/21/94]

06/20/94 77 Supplemental Specification of Congressional District under challenge of by Al Vera, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas , filed (hs) [Entry date 06/22/94]

06/23/94 78 ORDER granting Pltfs [76-1] motion for Stephen Katsurinis to appear pro hac vice, entered; Parties notified. (signed Judge David Hittner) (hs) [Entry date 06/24/94]

06/23/94 79 NOTICE of Hearing: | set trial date 6/27/94 before Judge David Hittner| , filed. (hs) [Entry date 06/24/94]

06/24/94 80 PROPOSED STIPULATIONS by Pltfs Al Vera, Bill Calhoun, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, & Barbara L Thomas, filed. (ks) [Entry date 06/27/94]

06/24/94 81 PROPOSED STIPULATIONS OF THE United States, filed. (ks) [Entry date 06/27/94]

06/24/94 82 Letter MOTION |to intervene by Robbins L Mitchell| by Movant Robbins L Mitchell, |Motion Docket Date 7/14/94 [82-1] motion|, filed (ks) [Entry date 06/27/94]

06/28/94 83 Minute entry: Court Trial - Day 1 held; App: Hurd, Kengle, Reyes,Castro, Hicks, Crews, Bullock, Powers, Thomas, Blum, Chen, Hirtz, Katsurenis and Hard. Opening statements. Pltfs evidence

begins. Adj until 6/28/94 at 9am. |terminated deadlines| Ct Reporter: Warner (hs)

06/29/94 --- **Added for William Lawson attorney Alice A Brown, Allison M Zieve (hs)

06/28/94 84 Minute entry: Ct Trial - Day 1 Pltfs evidence continues. Adj until 6/29/94 at 9am |terminated deadlines| Ct Reporter: Warner (hs) [Entry date 06/29/94]

06/29/94 85 Minutes of Court Trial - Day 3 before Judge Hittner on 6/29/94: Appearances: (same as Day 1), |terminated deadlines| Ct Reporter: F Warner, Pltf's evidence continues, Pltf rest, Defts evidence begins, filed (ks) [Entry date 07/01/94]

07/01/94 --- Per CRD/DM**Terminated document [69-1] motion in limine-withdrawn (ks)

06/30/94 86 MOTION |for leave to file Memorandum As An Amicus Curiae Pro Se| by Amicus A J Pate, |Motion Docket Date 7/20/94 [86-1] motion|, filed. (ks) [Entry date 07/05/94]

07/01/94 87 STIPULATION OF THE PARTIES re: congressional redistricting, filed (ks) [Entry date 07/06/94]

07/01/94 88 Minutes of Fifth Day Court Trial held before Judge Hittner, Jones & Harmon: Appearances: Same as 1st Day, Ct Reporter: F Warner, Evidence continues and concludes, Exhibits admitted into

evidence - reviewed, Closing Arguments, filed (ks) [Entry date 07/06/94]

07/01/94 89 Revised (6/27) Exhibit list by Pltfs Al Vera, etal, filed (k [Entry date 07/06/94]

07/01/94 90 Final Exhibit list of The United States, filed (ks) [Entry date 07/06/94]

07/01/94 91 Final Revised Exhibit List (29 June 1994) by Deft-Intervenors Reyes, LULAC, filed (ks) [Entry date 07/06/94]

07/01/94 92 Final Revised List of Exhibits and Witnesses of Lawson Deft-Intervenors, filed (ks) [Entry date 07/06/94]

07/01/94 93 State Defts' Final Revised Exhibit List, filed (ks) [Entry date 07/06/94]

07/05/94 94 TRANSCRIPT OF TRIAL PROCEEDINGS held 6/27/94 before Judge Three Judge Panel: The Honorable Edith Jones, US Circuit

Judge, The Honorable David Hittner, US District Judge & The Honorable Melinda Harmon, US District Judge, filed. (1 Vol) (Computer aided transcription) (ks) [Entry date 07/06/94]

06/30/94 95 Minutes of Court Trial - Day 4 held before the Honorable Judge(s) Jones, Hittner & Harmon on 6/30/94: Appearances: Same as Day 1, Defts' evidence continues, Court adjourned until 7/1/94 at 9:00 AM,

|terminated passed deadlines| Ct Reporter: F Warner, filed (ks) [Entry date 07/08/94]

07/08/94 96 DEPOSITIONS of Jeff Archer, Edward Blum, Robert R Brischetto, Ed Chen, Kent Grusendorf, Hon. Eddie Bernice Johnson, Lisa R Handley, Roman Martinez, Dr Susan McManus, Pauline Orcutt, William C Owens, A J Pate, Kenneth Powers, Carl V Reynolds, Christoperh M Sharman, Barbara Thomas, Al Vera, Dan Weiser, and Dr Ronald Weber, filed (Depositions fwd to fileroom in two boxes) (hs) [Entry date 07/11/94]

07/11/94 97 TRANSCRIPT OF PROCEEDINGS of Trial before Three-Judge Panel for dates of 6/28/94 before Judge Jones, Hittner and Harmon (Vol 2) , filed. (Court Rptr: F Warner) (hs)

06/30/94 98 MEMORANDUM by A J Pate as an Amicus Curiae Pro Se , filed. [Entry date 07/11/94]

07/12/94 --- **Terminated document [12-1] motion in limine, [51-1] motion to add deft-intervenors, [53-1] motion to intervene by League of United Lat, [55-1] motion to expedite reconsideration of mtn of LULAC of Texas for intervention as deft, [68-1] motion for protective order, [86-1] motion for leave to file Memorandum As An Amicus Curiae Pro Se, [82-1] motion to intervene by Robbins L Mitchell (hs)

07/13/94 99 TRANSCRIPT OF PROCEEDINGS of Trial before Three-Judge Panel for dates of 6/29/94 (Vol 3) before Judge Jones, Hittern and Harmon , filed. (Court Rptr: Fred Warner) (hs)

07/15/94 100 TRANSCRIPT OF PROCEEDINGS of Trial held 6/30/94 at 9:00 AM before Three Judge Panel The Honorable Edith Jones, US Circuit Judge, The Honorable David Hittner, US District Judge, The Honorable Melinda Harmon, US District Judge, filed. (Court Rptr: Fred Warner) (Vol IV) (ks) [Entry date 07/18/94]

07/15/94 101 POST TRIAL BRIEF by Al Vera et al , filed (hs) [Entry date 07/18/94]

07/18/94 102 STATE'S POST-TRIAL BRIEF by Ann Richards et al , filed (hs)

07/18/94 103 POST-TRIAL BRIEF by William Lawson, filed (hs)

07/18/94 104 POST TRIAL BRIEF by League of United Lat et al , filed (hs)

07/18/94 105 Proposed POST-TRIAL FINDINGS OF FACT AND CONCLUSION OF LAW by United States, League of United Lat, Robert Reyes, Angie Garcia, Robert Anguiano, Dalia Robles, Nicolas Dominguez, Oscar T Garcia, Ramiro Gamboa , filed. (hs) [Entry date 07/19/94]

07/18/94 106 POST-TRIAL BRIEF by USA , filed (hs) [Entry date 07/19/94]

07/21/94 107 TRANSCRIPT OF PROCEEDINGS of Trial before Three-Judge Panel for dates of 7/1/94 before Judge Jones, Hittner and Harmon , filed. (Court Rptr: Fred Warner) (hs)

07/25/94 108 POST-TRIAL BRIEF by William Lawson , filed (hs) [Entry date 07/28/94]

08/03/94 109 SUPPLEMENT to Pltfs' [101-1] trial brief by Al Vera et al , filed. (hs)

08/17/94 110 MEMORANDUM OPINION ORDER, entered. Parties notified. (signed by Judge David Hittner) (hs)

08/26/94 111 State Defts' Submission on Relief, filed (hs)

08/26/94 112 MEMORANDUM by USA regarding appropriate relief , filed. (hs

08/29/94 113 REQUEST |for further relief| by Pltfs Al Vera, Bill Calhoun, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers & Barbara L Thomas, |Motion Docket Date 9/18/94 [113-1] motion|, filed. (ks)

08/26/94 114 MEMORANDUM IN SUPPORT by Pltfs Al Vera, Bill Calhoun Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara L Thomas of interim remedy providing new congressional elections in the unconstitutional congressional districts, filed (ks) [Entry date 08/29/94]

08/26/94 115 Submission on Relief by William Lawson , filed (hs) [Entry date 08/29/94]

08/26/94 116 RESPONSE by League of United Lat, Robert Reyes, Angie Garcia, Robert Anguiano, Dalia Robles, Nicolas Dominguez, Oscar T Garcia, Ramiro Gamboa to [110-1] order , filed. (hs) [Entry date 08/29/94]

08/26/94 117 APPENDIX to , filed. (hs) [Entry date 08/29/94]

08/26/94 118 APPENDIX "B" , filed. (hs) [Entry date 08/29/94]

04/29/94 --- Rec'd letter from Congress of the U.S. House of Representatives, Ref- Opinion. fwd to CRD. (hs) [Entry date 08/30/94]

09/02/94 119 ORDER | That the Texas legislature shall develop on or before 3/15/95, a new Congressional redistricting plan in conformity with this Ct's previous opinion| , entered; Parties notified.
(signed by Judge David Hittner) (hs)

09/15/94 --- Rec'd Notice of Appeal, fwd to Appeals. (hs) [Entry date 09/ [Edit date 09/16/94]

09/16/94 120 STATE'S UNOPPOSED EMERGENCY MOTION |to expedite entry of explicit injunction| by John Hannah Jr, Pete Laney, Dan Morales, Bob Bullock, Ann Richards, |Motion Docket Date 10/6/94 [120-1] motion| , filed. (hs)

09/15/94 121 NOTICE OF APPEAL of [110-1] order by Al Vera, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, Barbara J Thomas , filed. Fee Status: waived (bpw) [Entry date 09/19/94] [Edit date 09/20/94]

09/19/94 --- Notice of appeal and certified copy of docket transmitted to United States Supreme Court: [122-1] appeal (bpw)

09/19/94 123 ORDER granting State's [120-1] motion to expedite entry of explicit injunction. The Ct's Order entered Sept 2/94, is hereby amended nunc pro tunc to provide as additional relief. , entered; Parties notified. (signed by Judge David Hittner) (hs) [Entry date 09/20/94]

09/20/94 124 STATE'S CORRECTED UNOPPOSED MOTION |to expedite entry of explicit injuntion| by John Hannah Jr, Pete Laney, Dan Morales, Bob Bullock, Ann Richards, |Motion Docket Date 10/10/94 [124-1] motion| , filed. (hs) [Entry date 09/21/94]

09/22/94 125 NOTICE OF APPEAL of [119-2] order-paragraph 2, 3, & 5(plus the injunctive provision added by the court's amended order of 9/2/94) by Ann W Richards as the governor, Bob Bullock as LT Governor, James Laney as speaker of the house, Dan Morales as the Atty General, and Ron Kirk as the secretary of Texas, filed. Fee Status: waived (bpw)

09/22/94 --- Notice of appeal and certified copy of docket transmitted to Supreme Court: [125-1] appeal (bpw)

09/23/94 --- **Added for William Lawson attorney Alice L Brown (hs)

09/30/94 126 NOTICE OF APPEAL of [123-1] order, [119-2] order by Robert Reyes, Angie Garcia, Robert Anguiano, Dalia Robles, Nicolas Dominguez, Oscar T Garcia, Ramiro Gamboa, to the SUPREME COURT OF THE UNITED STATES, filed. Fee Status: waived (bpw)

09/30/94 --- Notice of appeal and certified copy of docket transmitted to Supreme Court of The United States: [126-1] appeal (bpw) [Edit date 09/30/94]

09/30/94 127 APPLICATION |for attorney fees| and |reasonable expenses| by Pltfs Al Vera, etal |Motion Docket Date 10/20/94 [127-1] motion, 10/20/94 [127-2] motion|, filed. (ks) [Entry date 10/03/94]

09/30/94 128 NOTICE OF APPEAL of [119-2] order, [110-1] order by Al Vera, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, and Barbara J Thomas, filed. Fee Status: waived (bpw) [Entry date 10/03/94]

10/03/94 --- Notice of appeal and certified copy of docket transmitted to Supreme Court of the United States: [128-1] appeal (bpw)

10/03/94 129 NOTICE OF APPEAL of [119-2] order William Lawson, Zollie Scales, Jr, Jew Don Boney, Deloyd T Parker, Dewan Perry, Caesar Clark, David Jones, Fred Hofheinz, Judy Zimmerman, filed. Fee Status: waived (bpw)

10/03/94 --- Notice of appeal and certified copy of docket transmitted to The Supreme Court of the United States [129-1] appeal (bpw)

10/03/94 130 NOTICE OF APPEAL of [123-1] order, [119-2] order by United States , filed. Fee Status: waived (bpw) [Entry date 10/04/94]

10/04/94 --- Notice of appeal and certified copy of docket transmitted to Supreme court of the United States: [130-1] appeal (bpw)

10/19/94 --- Per agreement of cnsl - States response to Motion for Attys fees to be filed by close of business on 10/24/94. dm (hs) [Entry date 10/24/94]

10/24/94 131 MOTION |to stay consideration of the application for atty fees|, and | reasonalbe expenses incurred by pltfs| by United States, |Motion Docket Date 11/13/94 [131-1] motion, 11/13/94 [131-2] motion| , filed. (hs) [Entry date 10/25/94]

10/24/94 132 MEMORANDUM by United States in support of [131-1] motion to stay consideration of the application for atty fees, [131-2] motion reasonalbe expenses

incurred by pltfs , filed (hs) [Entry date 10/25/94]

10/24/94 133 RESPONSE by John Hannah Jr, Pete Laney, Dan Morales, Bob Bullock, Ann Richards in opposition to Pltfs' [127-1] motion for attorney fees, [127-2] & expenses, filed (case) [Entry date 10/25/94]

10/24/94 134 RESPONSE by Ann Richards et al, in opposition to Plfts [127-1] motion for attorney fees, and [127-2] motion reasonable expenses , filed (hs) [Entry date 10/25/94]

11/07/94 135 AMENDED NOTICE OF APPEAL of [123-1] order, [119-2] order , filed by the Mexican Am Legal Defense & Educational Fund - on 9/29/94 inadvertantly omitted the name of one Deft-Intervenor the League of United Latin American Citizens. Therefore, this appeal gives notice that deft intervenors League of United Latin Am Citizens, Reyes, Garcia, Anguiano, Robles, Domingues, Garcia, & Gamboa appeal to the US Supreme court, filed. Fee Status: waived (bpw) [Entry date 11/08/94]

11/08/94 --- Notice of Amended appeal and certified copy of docket transmitted to US Supreme Court: [135-1] appeal (bpw)

11/09/94 --- NOTICE of Docketing ROA from Supreme Court Re: [129-1] appeal

NUMBER: 94-806 (bpw) [Entry date 11/10/94]

11/15/94 136 UNOPPOSED MOTION |to extend time to respond to motion to stay consideration of the application for attorney fees and reasonable expenses incurred by pltfs| by Al Vera, Bill Calhoun, et al |Motion Docket Date 12/5/94 [136-1] motion|, filed. (ph) [Entry date 11/16/94]

11/17/94 137 MOTION |to stay pending appeals| by Ann Richards et al, |Motion Docket Date 12/7/94 [137-1] motion| , filed (hs)

11/16/94 138 MOTION |to dismiss notices of appeal| by Al Vera, Barbara L Thomas, Kenneth Powers, Edward Blum, Pauline Orcutt, Edward Chen, |Motion Docket Date 12/6/94 [138-1] motion| , filed. (hs) [Entry date 11/17/94]

11/21/94 139 ORDER denying Defts [137-1] motion to stay pending appeals, entered; Parties notified. (signed by Judge David Hittner (hs)

11/21/94 140 ORDER granting Pltfs [138-1] motion to dismiss notices of appeal , entered; Parties notified. (signed by Judge David) (hs)

11/18/94 141 MEMORANDUM by Al Vera et al in opposition to [131-1] motion to stay consideration of the application for atty fees, and reasonalbe expenses incurred by pltfs , filed (hs) [Entry date 11/21/94] [Edit date 11/23/94]

11/25/94	142	MEMORANDUM by John Hannah Jr, Pete Laney, Dan Morales, Bob Bullock, Ann Richards in opposition to [127-1] motion for attorney fees against the Lawson Intervenors , filed (hs) [Entry date 11/28/94] [Edit date 11/29/94]
11/28/94	---	MAIL RETURNED UNDELIVERABLE as to Robbins L Mitchell re: [140-1] order, [139-1] order , fwd mail to fileroom. (hs)
12/29/94	143	ORDER OF Supreme Court (certified copy) 12/23/94 is stayed pending this courts action on the jurisdictional statement in the above entitled case. If the appeal is dismissed or the judgment of the US Dist Court is affirmed, this order is to terminate automatically. In the event that jurisdiction is noted or postponed, or the judgment is summarily vacated or reversed, this order is to remain in effect pending the sending of the judgment of this Court. , filed. (bpw) [Entry date 01/05/95]
08/17/94	---	**Terminated document [113-1] motion for further relief, [1-1] motion for permanent injunction, [1-2] motion for declaratory judgment, [1-3] motion for preliminary injunction (case) [Entry date 03/07/95]
08/19/94	---	**Terminated document [1-1] motion for permanent injunction, [1-2] motion for declaratory judgment, [1-3] motion for

		preliminary injunction (case) [Entry date 03/07/95]
03/27/95	144	ORDER this case shall be administratively closed; the parties are granted leave to move to reinstate at such time that the parties determine appropriate, entered; Parties notified. (signed by Judge David Hittner) (ck) [Entry date 03/28/95]
03/27/95	---	Case closed (ck) [Entry date 03/28/95]
04/10/95	---	MAIL RETURNED UNDELIVERABLE as to Robbins L Mitchell re: [144-1] order (hs)
07/03/95	---	MAIL RETURNED UNDELIVERABLE (ntice of destruction of trial exhibits) as to Robbins L Mitchell (hs) [Entry date 07/06/95]
07/14/95	145	Receipt for Withdrawal of Exhibits by attorney for by Al Vera et al , filed. (hs) [Entry date 07/17/95]
07/14/95	146	Receipt for Withdrawal of Exhibits by attorney for by League of United Lat , filed. (hs) [Entry date 07/17/95]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AL VERA,	§	
EDWARD CHEN,	§	
BILL CALHOUN,	§	
PAULINE ORCUTT,	§	
EDWARD BLUM,	§	
KENNETH POWERS,	§	
BARBARA L. THOMAS,	§	
Plaintiffs,	§	
VS.	§	CA NO. H-94-027 7
HON. ANN RICHARDS,	§	
in her official capacity	§	
as Governor of the	§	
State of Texas,	§	
HON. BOB BULLOCK	§	
in his official capacity as	§	
Lt. Governor and President	§	
of the Texas Senate,	§	
HON. DAN MORALES,	§	
in his official capacity as	§	
Attorney General for	§	
the State of Texas,	§	
HON. PETE LANEY,	§	
in his official capacity as	§	
Speaker of the Texas House	§	
of Representatives, and	§	
HON. JOHN HANNAH, Jr.,	§	
in his capacity as Secretary	§	
of State of the State of Texas,	§	
Defendants.	§	

ORIGINAL COMPLAINT FOR PERMANENT INJUNCTION AND DECLARATORY JUDGMENT AND MOTION FOR PRELIMINARY INJUNCTION

COME NOW, Plaintiffs, Al Vera, Edward Chen, Bill Calhoun, Pauline Orcutt, Edward Blum, Kenneth Powers and Barbara L. Thomas ("Plaintiffs"), by and through their attorneys and state the following in support of their Original Complaint:

Introduction

1. This action arises under Article I, Sec. 2 and 4 and Article 4, Sec 2, Clause 1 of the United States Constitution at the Fifth, Fourteenth and Fifteenth Amendments of the United States Constitution and 42 U.S.C. 1973 et seq. (the "Voting Rights Act"). Plaintiffs challenge the constitutionality of the Texas State Legislature's Congressional Redistricting Plan, enacted pursuant to House Bill 1, 72nd Legislature, 2nd Called Session ("Congressional Plan"). Plaintiffs assert that the Congressional Plan as enacted and implemented is gerrymandering based upon race, color, language, and ethnic origin ("racial gerrrymandering") and therefore violates Plaintiffs' equal protection rights as unconstitutional racial gerrymandering. Plaintiffs contend that the Congressional Plan represents an unconstitutional effort to segregate the races for purposes of voting: 1) without regard for traditional districting principles, including compactness, contiguousness, consistency with existing political, economic, societal, governmental or jurisdictional boundaries; 2) without sufficiently compelling justification; and 3) without "narrow tailoring" as required by the United States Constitution. Plaintiffs assert that the Congressional Plan violates the rights of the Plaintiffs, and all citizens of Texas, by violating their rights guaranteed to them by Article 1, Sec 2 and 4 and Article 4, Sec 2, Clause 1 of the United States Constitution of the Fifth, Fourteenth, and Fifteenth Amendments to the United States Constitution.

2. Plaintiffs seek a judgment that: 1) declares the Congressional Plan as enacted and implemented by the Defendants is unconstitutional; 2) enjoins the Defendants from further using the Congressional Plan in the impending

congressional primaries and elections; 3) orders the Texas Legislature to create a new Congressional Plan that conforms with state and federal law and constitutional requirements and which specifically ceases to divide, classify or segregate state residents into voting districts on the basis of race; and 4) provides in the event the Defendants and the legislature of Texas should fail to effectuate a lawful plan within the time restraints necessary to protect the constitutional and legal rights of the Plaintiffs to vote in a competitive and effective congressional election process, the court shall take the action necessary to create and implement a congressional plan in the interim for the Plaintiffs and the people of Texas 5) preliminarily enjoins Defendants from taking any action in preparation for the primary or general elections for the U.S. House of Representatives until a constitutional Congressional Plan is either enacted by the Texas Legislature or imposed by this Honorable Court.

Jurisdiction and Venue

3. This action arises under Article 1, Secs 2 and 4 and Article 4, Sec 2, Clause 1 of the United States Constitution at the Fifth, Fourteenth and Fifteenth Amendments of the United States Constitution, under 42 U.S.C. 1973 et seq. and 2 U.S.C. § 2.

4. This court has original jurisdiction of this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), 1361 and 2284.

5. Venue exists under 28 U.S.C. Sec. 1391(b) in that all Defendants reside in the State of Texas and the injuries are sustained by the Plaintiffs in the Southern District of Texas.

Three-Judge District Court

6. Convocation of a three-judge district court is required by 28 U.S.C. § 2284 because this action challenges the constitutionality of the statewide apportionment of congressional districts for the State of Texas.

Parties

7. All of the Plaintiffs are residents and citizens of the State of Texas and are registered to vote. Under the 1991 Congressional Plan adopted in Texas, Plaintiffs Edward Blum, Bill Calhoun and Kenneth Powers vote in the 18th Congressional District, Plaintiff Edward Chen votes .in the 25th Congressional District, Plaintiffs Barbara L. Thomas and Al Vera vote in the 29th Congressional District, and Plaintiff Pauline Orcutt votes in the 30th Congressional District.

8. Defendant Ann Richards is the Governor of the State of Texas, and, in such capacity, is the Chief Executive Officer of the State of Texas charged with the duty of enforcing compliance with state legislation under the Constitution of Texas. She is sued in her official capacity.

9. Defendant Bob Bullock is the Lieutenant Governor and President of the Senate of the State of Texas, and in this capacity he presides over the Texas Senate and certifies certain actions of the Senate. He is sued in his official capacity.

10. Dan Morales is the Attorney General of the State of Texas and, in this capacity, he is responsible for enforcement of the laws of the State of Texas. He is sued in his official capacity.

11. Pete Haney is the Speaker of the Texas House of Representatives and, in this capacity he presides over that body and certifies certain actions taken by the House of Representatives. He is sued in his official capacity.

12. John Hannah, Jr. is the Secretary of State of Texas and in this capacity is charged with preparing a certificate of election for each person elected. He is sued in his official capacity.

Adoption of 1992 Congressional Plan

13. Pursuant to the results of the 1980 decennial census, the State of Texas was entitled to twenty-seven (27) members in the United States House of Representatives. Because of a substantial increase in the Texas population in

comparison to the other states of the Union as recorded by the 1990 decennial census, Texas is now entitled to thirty (30) members in the United States House of Representatives.

14. The reapportionment of the size of Texas' Congressional delegation required the State of Texas to redistrict the State into thirty (30) congressional districts, each roughly equal in population. To this end, the legislature enacted redistricting legislation (House Bill 1, 72nd Legislature, Second Called Session) that created thirty (30) districts.

15. The State of Texas is subject to the pre-clearance procedures of Section 5 of the Voting Rights Act. The redistricting legislation could not take effect and was unenforceable unless and until the Attorney General of the United States failed to object to the Congressional Plan within a prescribed time after its submission to him. Following its enactment, the redistricting legislation was duly submitted to the Attorney General for pre-clearance pursuant to the Voting Rights Act. The Attorney General entered no objection to the new redistricting plan. The Defendants have scheduled primary elections for March 8, 1994, and the general election for November 8, 1994.

First Cause of Action

16. Article I, Sec. 2 of the United States Constitution provides that "the House of Representatives shall be composed of members chosen every second year by the people of the several States," Article I, Sec. 4 provides that "times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing (sic) senators." Article 4, Sec. 2 states that, "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states." The Fourteen Amendment of the Constitution provides that no State shall "deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction

the equal protection of the law." The Fifth Amendment of the Constitution provides that no one shall "be deprived of life, liberty or property, without due process of law." The Fifteenth Amendment states in Sec. 1 that, "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude."

17. The Plaintiffs are natural persons, and citizens of the State of Texas and, of the United States, registered to vote in Texas, have rights under Article I, Sec. 2 of the U.S. Constitution, which are "liberties" protected by the due process clause of the Fifth and Fourteenth Amendments.

18. One component of due process is equal protection; and equal protection is inconsistent with arbitrary, capricious and unjustified classification of voters on the basis of race, ethnicity or color embodied in the Congressional Plan. The enactment of the Congressional Plan was done by the defendants with the purpose and intent of establishing congressional districts with a pre-ordained racial or ethnic group was selected to be the dominant group, in order to elect a member of that favored group to Congress. The Congressional Plan relies on a series of bizarre geographic configurations which result in congressional districts that divide rural and suburban counties into multiple congressional districts, and in urban counties, split neighborhoods and are not contiguous or rely on rights-of-way and easements to unite otherwise disparate sections of a count into a single congressional district.

19. The intended and actual result of this ethnic gerrymandering was the disenfranchising and diluting of the voting rights of the particular individual voters of a race different from the designated dominant racial group in that particular congressional district. Since the state Congressional Plan comprises one distinct inter-related plan, this unconstitutional intent and result in numerous congressional districts constitutionally taints all congressional districts and therefore the plan as a whole.

20. The erroneous and unconstitutional interpretation and application of the Voting Rights Act by the Defendants, and their enactment of the Congressional Plan evidences Defendants' intent, purpose and ultimate result of disenfranchising or diluting the effectiveness of the electorial franchise of certain individual voters of particular racial groups within the various congressional districts comprising the state Congressional Plan.

21. The effect of the acts of the Defendants and other persons acting on behalf of the State of Texas is to isolate a large number of black and Hispanic persons into certain congressional districts designated as "white majority" districts separate and apart from the black and Hispanic voters segregated in the congressional districts of the State designated as either "black majority" districts or "Hispanic majority" districts.

22. The effect of the acts of the Defendants and other persons acting on behalf of the State of Texas is to isolate a large number of white and black persons into certain congressional districts designated as "Hispanic majority" districts separate and apart from the black and white voters segregated in the congressional districts of the State designated as either "black majority" districts or "white majority" districts.

23. The effect of the acts of the Defendants and other persons acting on behalf of the State of Texas is to isolate a large number of white and Hispanic persons into certain congressional districts designated as "black majority" districts separate and apart from the white and Hispanic voters specifically placed in the congressional districts of the State designated as "white majority" districts or "Hispanic majority" districts.

24. Plaintiffs believe that the Congressional Plan was enacted by the Defendants based upon an interpretation that the Voting Rights Act requires Texas to create "electorally safe" congressional districts dominated by a designated racial majority to control the elections therein to assure the results

of the election of members of Congress from those districts that are identical to the dominating racial majority designated by the Defendants in the district. The interpretation of the Voting Rights Act and the enactment of the Congressional Plan was intended to and in fact has the effect of intentionally disenfranchising or diluting the rights of the voters of the designated minority roles in each district by the designated dominant race.

25. This interpretation by Defendants violates the clear and unambiguous language of 42 U.S.C. Sec. 1973(b) which provides "... that nothing in (section 1973) establishes a right to have members of a protected class elected in numbers equal to their proportion in the population"; and therefore, the creation of the Congressional Plan is neither authorized, required nor permitted by the Voting Rights Acts. Additionally, the Congressional Plan by creating racially safe electoral districts violates the requirement that all races have an opportunity to elect a candidate of choice in every district.

26. The erroneous interpretation of the Voting Rights Act by the Defendants has resulted in a Congressional Plan founded in the most blatant, obvious and constitutionally repugnant racial gerrymandering as has occurred in the nation perpetrated by the threat, express or implicit, by the United States Justice Department to disapprove any redistricting plan which did not conform to this interpretation of the Voting Rights Act. The intentional racial gerrymandering has resulted in the adoption of the Congressional Plan by the State Legislative Defendants which has resulted in the creation of numerous racial districts which are devoid of any commonality of interests within the district such as geographic compactness, contiguousness, consistency with existing political, societal, governmental or economic districts or jurisdictional boundaries, other than the racial designation of the majority therein.

27. By interpreting the Voting Rights Act to require the creation of racially identified and electorally safe

districts, which usually insure the election of members of Congress of the racial majority designated for the district, the Defendants violated (a) the statutory provision of 42 U.S.C. Sec. 1973(b), but also the intent of Article I, Sec. 2 of the Constitution, which does not authorize or contemplate or permit the creation of a system of proportional representation by race in the United States House of Representatives, and the intent of Article I, Sec. 4 of the Constitution, which by implication denied the Congress, or the persons reportedly acting pursuant to Federal Legislation, the authority to impose such a system upon the "people" of any state in their selection of members of the House of Representatives.

28. Acting on their erroneous interpretation of the Voting Rights Act and beyond any authority conferred on them by the Act, Defendants have created innumerable unwieldy districts which embody a scheme for segregation of voters by race in order to meet racial or ethnic quotas for representation of the State of Texas in the United States House of Representatives. By so doing, Defendants have deprived the Plaintiffs and the other citizens of Texas, of the "privileges and immunities of citizens in the several States," which include the privilege of voting in elections for the House of Representatives in districts which have not been drawn or created with respect to race and which are not racially safe, the privilege of choosing a representative without being limited in that choice by the decision of any government official that the person to be elected must be of a certain designated race, and an immunity from any action by the United States or the State of Texas and their respective officers, agents or employees which shall impose racial quotas on the Texas Congressional Delegation to the House of Representatives itself.

29. By their actions and their enforcement of an erroneous interpretation of the Voting Rights Act, Defendants have abridged the rights of the Plaintiffs and all other citizens and registered voters of Texas—whether Hispanic, black, white, native American or others—to

participate in a process for electing members of the House of Representatives which is not racially segregative, or electorally racially safe, but to the contrary is color-blind and the right to vote is not limited or abridged on account of the designated race or color of the majority of the voters placed in the designated districts.

30. The unconstitutional creation of districts sought by Defendants, premised on their misinterpretation of the Voting Rights Act, is not a permissible act, even as a remedial act nor is it justified by its furthering of a compelling governmental interest, and if so enacted, the plan is not narrowly tailored to minimize its repugnant and offensive use of race. Any disparity that may occur between the percentage of members of any particular race who are citizens or registered voters of the State of Texas, and the percentage of persons of the same race who are elected members of the House of Representatives from Texas cannot be mandated legally under the Civil Rights Act (42 U.S.C. 1981, et seq.), of the Voting Rights Act is constitutional under the Fifth, Fourteenth or Fifteenth Amendments.

31. Each Plaintiff, regardless of that person's race or color, has standing to object to the Congressional Plan.

32. The Plaintiffs are citizens and residents of the State of Texas, are part of its "people"; and as registered voters in the State of Texas, they have, under Article I, Sec. 2 of the Constitution, a right to choose members of the United States House of Representatives. Under Article I, Sec. 4, this right is subject to control by Congress only to a limited extent and not in the manner in which Defendants have interpreted the Voting Rights Act.

33. The right of the Plaintiffs to vote for members of the House of Representatives is a right as to which Plaintiffs are entitled to "the equal protection of the law," with respect to any action taken by the State of Texas. Moreover, this right to vote for members of the House of Representatives of the United States is a "privilege" of citizens of the United States within the meaning of the Fourteen Amendment and is

protected by that amendment from being abridged by the State of Texas. The right of the Plaintiffs as citizens of the United States to vote for members of the House of Representatives is also protected by the Fifteenth Amendment against being "abridged" by the State of Texas on account of the race or color of the Plaintiffs.

34. Any action by officers of the State of Texas which discriminates on the basis of race or color violates this right to vote for members of Congress, denies the Plaintiffs and all other voters equal protection of the laws and, on account of the voter's race, color, ethnicity, language or other suspect classification abridges their right to vote.

35. In enacting the Congressional Plan, the Defendants, Officers of the State of Texas, aided and abetted by the United States Justice Department have segregated voters by race, color, language, ethnicity and national origin. The Defendants have designated certain congressional districts, or "minority districts" in which they have ensured a sufficient concentration of voters of a particular race or ethnicity in order to ensure the election to Congress. Defendants actions in that regard constitute blatant racial and ethnic discrimination in violation of the Constitution of the United States.

36. By their actions in enacting and implementing the Congressional Plan, the Defendants have heretofore violated or unless enjoined, will be in the immediate future inevitably violating, rights conferred upon these Plaintiffs by Article I, Secs. 2 and 4, and by the Fifth, Fourteenth and Fifteenth Amendments of the United States Constitution, and in violation of the specific requirements of the Voting Rights Act.

37. The decision by the Legislature of the State of Texas to create certain congressional districts in which a majority of black voters are concentrated and to create certain congressional districts in which a majority of Hispanic voters are concentrated was arbitrary, invidious and without regard to other legitimate state considerations, such

as compactness, contiguousness, geographical boundaries or political subdivisions, and was a decision made with full awareness of the intended consequences and effects of the designation of specific racial majorities for each district. These consequences and effects were to segregate by race the citizens of Texas to create congressional districts along racial lines to assure that white, black or Hispanic members of Congress would be elected from the designated congressional districts.

38. Plaintiffs allege that, for purposes of the Fourteenth and Fifteenth Amendments to the United States Constitution, the intent and purpose on the part of the Defendants and the Legislature of Texas to create "minority districts" was and is an unconstitutional racial gerrymander, discriminatory on its face, regardless of the individual legislator's motives.

39. Plaintiffs represent that they have no adequate or speedy remedy at law to prevent the unlawful and unconstitutional acts of the Defendants from causing the Petitioners and the citizens and registered voters of the State of Texas irreparable harm in the conducting and implementing of the Congressional Plan in violation of the Voting Rights Act and the Fifth, Fourteenth and Fifteenth Amendments to the Constitution of the United States and that the Petitioners and the citizens and registered voters of the State of Texas will continue to suffer such irreparable harm and damage unless and until this Honorable Court grants in this action a preliminary injunction against the Defendants and their respective officers, agents, employees, successors, attorneys and other persons under their direction and control, enjoining them, during the pendency of this action, or until further order of this Court from taking any actions in preparation for or in implementing elections under the Congressional Plan, including specifically taking any actions to allow persons to qualify as candidates for election to the United States House of Representatives in the congressional districts established by the Congressional Plan

or to conduct any election in conjunction therewith until the Legislature of the State of Texas enacts, and the Department of Justice pre-clears a new congressional redistricting plan that possesses other reasonable commonalities of interest of the persons included in the various districts, including compactness, contiguousness, consistency with existing geographic, political and jurisdictional communities of interest, as well as social, economic and cultural commonalities of interest other than race. Pending final hearing and determination of this action and at the conclusion of these proceedings, the Petitioners request a permanent injunction in the form and substance of the preliminary injunction requested above.

WHEREFORE, Plaintiffs respectfully pray that the Defendants be served with this complaint with citation instructing them to respond hereto and after due proceedings that:

1. The United States District Court Judge to whom this case is initially assigned, immediately notify the Chief Judge for the United States Court of Appeals for the Fifth Circuit so that a three-judge Court may be convened to hear this case in as expeditious a manner as feasible;

2. The Court permanently enjoin the Defendants from imposing, directly or indirectly, any requirement that any congressional district in the State of Texas have a majority population of persons of any particular race or color, and also that the Court enjoin Defendants from taking any action, whether under the Voting Rights Act, or otherwise, to establish, or to encourage or require establishment of, a redistricting plan whereunder persons of a particular race or color—whether black, white or Hispanic, native American or otherwise—would be concentrated in a congressional district that does not otherwise possess other reasonable commonalities of interest including compactness, contiguousness, consistency with existing geographic,

political and jurisdictional communities of interest, as well as social, economic and cultural commonalities of interest;

3. The Court determine and declare that the Defendants have illegally and unconstitutionally misinterpreted and misapplied the Voting Rights Act, and especially 42 U.S.C. 1973, and that this Act does not require, authorize or permit the Defendants of the Texas State Legislature to create congressional districts with the legislative intent, purpose or effect of designating for each district an electorally dominate majority of voters of a particular race with the intent, purpose or effect that a specific district will elect a member of Congress of the district's designated race; and, in the altenatives in the event that the Voting Rights Act does not require, permit or authorize a State legislature to create congressional districts with such an intent or purposes to that extent and in that regard, the Voting Rights Act is unconstitutional; or alternatively if the Voting Rights Act does require, permit or authorize a State legislature to create congressional districts with such an intent or purpose, to that extent and in that regard the Voting Rights Act is unconstitutionally applied when the resulting Congressional Plan creates congressional districts devoid of any commonalities of interest other than racial designation of the majority of voters herein and providing for the electoral dominance of the designated race within the district.

4. The Court declare the present Congressional Plan to be illegal and unconstitutional and of no further force and effect as it purports to establish congressional districts for the State of Texas.

5. That the Court direct the Legislature to prepare a new redistricting plan for the State of Texas which does not intentionally concentrate or segregate into any congressional district persons of a particular race or color, whether Hispanic, black, white, native American, which includes within all districts other legitimate commonalities of interest among the voters within the designated districts, and should the Defendants and the legislature of Texas be unable to

effectuate a lawful plan within the time restraints necessary to create said Congressional Plan, Plaintiffs would request that the Court implement an interim plan which meets the aforementioned constitutional requirements.

6. That upon the enactment by the Legislature of new redistricting plan, the new redistricting plan shall be submitted forthwith to the Attorney General, for pre-clearance and that he shall act promptly without requiring, directly or indirectly, the concentration in a congressional district of persons of a particular race or color—whether black, Hispanic, white, native American, or otherwise—in a manner that is devoid of other reasonable commonalities of interest between the voters of the designated districts, and thereafter be reviewed by this Honorable Court for compliance with the requirements of this Court.

7. Petitioners hereby move that the Court grant a preliminary injunction, under the authority of the Federal Rules of Civil Procedure Rule 65(a), enjoining the Defendants, and their respective officers, agents, employees, successors, attorneys and other persons under their direction and control, enjoining them, during the pendency of this action, or until further order of this Court from taking any actions in preparation for or in implementing the Congressional Plan, including specifically taking any actions to allow persons to qualify as candidates for election to the United States House of Representatives in the congressional districts established by the Congressional Plan or to conduct any election in conjunction therewith until the Legislature of the State of Texas enacts, and the Department of Justice pre-clears a new congressional redistricting plan that includes within all districts other reasonable commonalities of interests, including compactness, contiguousness, consistency with existing geographic, political and jurisdictional communities of interest among those voters included in each congressional district.

8. The Court permanently enjoin the Defendants from taking any action in preparation for primary or general

elections for the U. S. House of Representatives in Texas until the Legislature enacts, and the Department of Justice pre-clears, a new redistricting plan as prayed for in paragraphs 5 and 6 above, enjoining the Defendants, and their respective officers, agents, employees, successors, attorneys and other persons under their direction and control, enjoining them from taking any actions in preparation for or in implementing the new Congressional Plan, including specifically taking any actions to allow persons to qualify as candidates for election to the United States House of Representatives in the congressional districts established by the Congressional Plan or to conduct any election in conjunction herewith until the Legislature of the State of Texas enacts, and the Department of Justice pre-clears, a new congressional redistricting plan that includes within all districts reasonable commonalities of interest, such as compactness, contiguousness, consistency with existing geographic, political and jurisdictional communities of interest, as well as social, economic and cultural commonalties of interest among those voters included in each congressional district other than race.

9. That for purposes of consideration of any injunctive relief, this complaint, when properly verified, be treated as an affidavit in this action.

10. That the Court award costs and attorneys' fees, including expert witness fees, to Plaintiffs as against Defendants and against the United States pursuant to the Equal Access to Justice Act, 28 U.S.C. Sec. 2412, or as otherwise authorized by law.

11. That the Court grant such other and further relief as may, to the Court, seem just and proper.

State Defendants' Answer
from *Vera v. Richards*, heard in the United States District for the Southern District of Texas

Dated March 11, 1994

The official-capacity state defendants -- the Governor, Lieutenant Governor, Speaker of the House, Attorney General, and Secretary of State of Texas (collectively, "the state") -- answer as follows to the plaintiffs' Original Complaint for Permanent Injunction and Declaratory Judgment and Motion for Preliminary Injunction ("Complaint"):

1. The state denies the averments in the first sentence of ¶ 1 of the Complaint, except insofar as the averment is made that the action arises under the Fourteenth Amendment to the United States Constitution. The state, without admitting the validity of the claim, admits that the plaintiffs' effort is to bring their claim under the Fourteenth Amendment. The state admits the averment in the second sentence of ¶ 1 of the Complaint. The remainder of ¶ 1 of the Complaint is a recitation of contentions being made by the plaintiffs; the state admits that such contentions are being made but denies that they have legal or factual validity.

2. The state admits the averments of ¶ 2 of the Complaint insofar as they are taken as a mere recitation of the relief being sought by the plaintiffs; to the extent those averments are construed otherwise, the state denies their validity.

3. The state denies the averments in ¶ 3 of the Complaint, except insofar as the averment is made that the action arises under the Fourteenth Amendment to the United States Constitution. The state, without admitting the validity of the claim, admits that the plaintiffs' effort is to bring their claim under the Fourteenth Amendment.

4. The state admits that 28 U.S.C. §§ 1331 and 1343(3) appear to confer jurisdiction upon this Court and that 28 U.S.C. § 2284 makes the convening of a three-judge Court appropriate; otherwise, the state denies the averments in ¶ 4 of the Complaint.

5. The state denies the averments in ¶ 5 of the Complaint insofar as they constitute assertions that any of the official-capacity defendants reside within the Southern District of Texas. The state admits that some part of the injuries which the plaintiffs allege they have sustained as a result of the challenged actions occurred within the Southern District of Texas, although the state does not admit either that those alleged injuries were sustained or that, if they were sustained, they would be sufficient to make venue appropriate under 28 U.S.C. § 1391(b)(2).

6. The state admits the averment in ¶ 6 of the Complaint.

7. The state is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in ¶ 7 of the Complaint.

8. The state admits the averments in ¶¶ 8-11 of the Complaint, except the averment about the duty of the Governor, which insufficiently specific to admit or deny and which, in any event, is a matter of law to which a specific admission or denial is not required.

9. The state admits the averments in ¶ 12 of the Complaint, except insofar as they identify the current holder of the position of Secretary of State. John Hannah, Jr., resigned that position shortly before the preparation of this Answer.

10. The state admits the averments in ¶¶ 13-15 of the Complaint.

11. The state admits the averments in ¶ 16 of the Complaint insofar as they provide a reasonably accurate statement of parts of the cited provisions.

12. The state admits the averments of ¶ 17 of the Complaint insofar as they allege that persons are entitled to

vote for representatives to the United States House of Representatives and that, in connection with doing so, they cannot be denied the equal protection of the laws; otherwise, the state is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in ¶ 17 of the Complaint.

13. The state admits the averment in ¶ 18 of the Complaint insofar as it alleges that equal protection is a component of due process under the Fifth Amendment to the United States Constitution; otherwise, the state denies the averments in ¶ 18 of the Complaint.

14. The state denies the averments in ¶¶ 19-30 of the Complaint.

15. The state is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in ¶ 31 of the Complaint.

16. The state is without knowledge or information sufficient to form a belief as to the truth or falsity of the averments in the first sentence of ¶ 32 of the Complaint; otherwise, as to that sentence, the state admits that persons who are citizens and residents of the state, and registered to vote there, have a right to vote for members of the United States House of Representatives. The state denies the averments in the second sentence of ¶ 32 of the Complaint and would further point out that congressional power affecting the conduct of elections to the United States House of Representatives derives from other sources than Article I, § 4, of the United States Constitution, including the source provided by section 5 of the Fourteenth Amendment and section 2 of the Fifteenth Amendment.

17. The state generally admits the averments in ¶ 33 of the Complaint, but is without knowledge or information sufficient to form a belief as to the truth or falsity of any averment that the plaintiffs are the type of eligible voter assumed in the averments. The state, based-on governing law, further denies this Court can adjudicate the

privileges and immunities aspect of the Fourteenth Amendment in the context of the allegations in this action.

18. The state admits the averments in ¶ 34 of the Complaint insofar as they are taken to claim that a state denial of equal protection of the laws in connection with elections to Congress as a general proposition are redressable in the federal courts; otherwise, the state denies the averments in ¶ 34 of the Complaint.

19. The state denies the averments in ¶¶ 35-39 of the Complaint.

20. The state denies that the plaintiffs are entitled to any of the relief sought in the prayer, subparts 1-11 of their Complaint, except for the convening of a three-judge Court as sought in subpart 1 of the prayer. The state further would show that this Court already has denied a preliminary injunction through an Order entered on March 2, 1994.

Affirmative defenses

21. The state avers that the equitable doctrine of laches prevents the plaintiffs from obtaining any of the relief which they request until the next round of congressional redistricting following the next decennial census.

22. The state avers that the doctrines of res judicata and collateral estoppel deriving from the final judgment in *Terrazas v. Slagle*, Civ. Action No. A-91-CA-428, prevent the plaintiffs from obtaining all or some of the relief they seek through this action.

Answer of the United States
from *Vera v. Richards*, heard in the United States District for the Southern District of Texas

Dated March 25, 1994

The United States of America answers the complaint filed in the above-styled case as follows:

1. No response is required to the first sentence of paragraph 1 because it does not contain allegations of fact. The United States admits the allegations in the second sentence of paragraph 1. The United States admits that plaintiffs are making the assertions in the remainder of paragraph 1, but denies the underlying allegations of those assertions.

2. No response is required to paragraph 2 because it does not contain allegations of fact. The United States denies, however, that plaintiffs are entitled to any relief in this action.

3. No response is required to paragraph 3 because it does not contain allegations of fact.

4. In response to the allegations contained in paragraph 4, the United States admits that this Court has original jurisdiction of this action pursuant to 28 U.S.C. 1331 and 1334(a)(3). The United States avers that 28 U.S.C. 2284 does not confer jurisdiction, but rather requires the convening of a three-judge court to hear this action. The United States denies the allegations contained in the remainder of paragraph 4.

5. The United States admits that all Defendants reside in the State of Texas. The United States lacks knowledge or information sufficient to form a belief as to truth of the remaining factual allegations contained in paragraph 5.

6. The United States admits the allegations contained in paragraph 6.

7. The United States lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7.

8. The United States admits the allegations contained in paragraph 8.

9. The United States admits the allegations contained in paragraph 9.

10. The United States admits the allegations contained in paragraph 10.

11. The United States admits the allegations contained in paragraph 11.

12. The United States admits the allegations contained in paragraph 12, subject to the clarification that John Hannah, Jr. no longer serves as the Secretary of State of Texas, having resigned from that position since the complaint was filed.

13. The United States admits the allegations contained in paragraph 13.

14. The United States admits the allegations contained in paragraph 14.

15. The United States admits the allegations contained in paragraph 15, subject to the clarification that the redistricting legislation could have taken effect and would have been enforceable had the State of Texas obtained a declaratory judgment from the United States District Court for the District of Columbia that the proposed change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. Clark v. Roemer, 111 S. Ct. 2096 (1992).

16. No response is required to paragraph 16 because it does not contain allegations of fact.

17. The United States lacks knowledge or information sufficient to form a belief as to the truth of the allegations of fact contained in paragraph 17.

18. No response is required to the first sentence of paragraph 18 because it does not contain allegations of fact.

The United States denies the allegations contained in the remainder of paragraph 18.

19. The United States denies the allegations contained in the first sentence of paragraph 19. No response is required to the second sentence of paragraph 19 because it does not contain allegations of fact.

20. The United States denies the allegations contained in paragraph 20.

21. The United States denies the allegations contained in paragraph 21.

22. The United States denies the allegations contained in paragraph 22.

23. The United States denies the allegations contained in paragraph 23.

24. The United States lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentence of paragraph 24. The United States denies the allegations contained in the second sentence of paragraph 24.

25. The United States denies the allegations contained in paragraph 25.

26. The United States denies the allegations contained in paragraph 26.

27. The United States denies the allegations contained in paragraph 27.

28. The United States denies the allegations contained in paragraph 28.

29. The United States denies the allegations contained in paragraph 29.

30. The United States denies the allegations contained in paragraph 30.

31. The United States lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31.

32. The United States lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first sentance of paragraph 32.

No response is required to the second sentence of paragraph 32 because it does not contain allegations of fact.

33. No response is required to paragraph 33 because it does not contain allegations of fact.

34. No response is required to paragraph 34 because it does not contain allegations of fact.

35. The United States denies the allegations contained in paragraph 35.

36. No response is required to paragraph 36 because it does not contain allegations of fact.

37. The United States denies the allegations contained in paragraph 37.

38. No response is required to paragraph 38 because it does not contain allegations of fact.

39. No response is required to paragraph 39 because it does not contain allegations of fact. The United States denies, however, that plaintiffs are entitled to any relief in this action.

In response to the plaintiffs' prayer for relief, the United States admits that this case should be heard by a three-judge court pursuant to 28 U.S.C. 2284(a). The United States denies that plaintiffs are entitled to any relief in this action.

Lawson Defendant-Intervenors' Answer in Intervention from *Vera v. Richards*, heard in the United States District for the Southern District of Texas

Dated March 28, 1994

Comes now the defendant-intervenors, Rev. William Lawson, Zollie Scales, Jr., Rev. Jew Don Boney, Deloyd T. Parker, Dewan Perry and Rev. Caesar Clark, by and through their undersigned attorneys, and offer the following answers to the Original Complaint For Permanent Injunction and Declaratory Judgment and Motion for Preliminary Injunction:

1. Defendant-intervenors admit that plaintiffs have brought suit challenging the Texas State Legislature's Congressional Redistricting Plan, as set forth in paragraph 1. Defendant-intervenors deny the substance of plaintiffs' challenge and specifically deny that the Congressional Plan violates any constitutional rights of any plaintiff as alleged in paragraph 1.

2. Defendant-intervenors admit that plaintiffs herein seek a judgment as set forth in paragraph 2. Defendant-intervenors deny that plaintiffs are entitled to such a judgment.

3. Defendant-intervenors admit that plaintiffs purport to bring this action under the statutes and constitutional provisions set forth in paragraph 3. Except as expressly admitted, defendant-intervenors deny the averments in paragraph 3.

4. Defendant-intervenors admit that plaintiffs have pled the correct jurisdictional statutes.

5. Defendant-intervenors admit that, on information and belief, all named defendants reside in the State of Texas. Defendant-intervenors deny that plaintiffs have sustained any injuries.

6. Defendant-intervenors admit that a three-judge court is required under 28 U.S.C. § 2284.

7. Defendant-intervenors are without sufficient knowledge to admit or deny the averments in paragraph 7.

8. Defendant-intervenors admit that Ann Richards is the Governor of Texas and state that they are without sufficient knowledge to admit or deny the averment concerning her duty.

9. Defendant-intervenors admit the averments in paragraph 9.

10. Defendant-intervenors admit the averments in paragraph 10.

11. Defendant-intervenors admit the averments in paragraph 11.

12. On information and belief, defendant-intervenors deny that John Hannah, Jr. is the Secretary of State of Texas. Defendant-intervenors admit the remaining averments in paragraph 12.

13. Defendant-intervenors admit the averments in paragraph 13.

14. Defendant-intervenors admit the averments in paragraph 14.

15. Defendant-intervenors deny the averment in paragraph 15, to the extent that it states redistricting legislation was unenforceable "unless and until" the Attorney General failed to act. A change that affects voting in a covered jurisdiction under Section 5 of the Voting Rights Act may also take effect following an affirmative grant of preclearance by the Attorney General or a declaratory judgment determination by the District Court of the District of Columbia.

16. Defendant-intervenors admit the averments in paragraph 16.

17. Defendant-intervenors are without sufficient knowledge to admit or deny the averments in paragraph 17. Defendant-intervenors admit that United States citizens registered to vote in Texas have rights under the United

States Constitution, protected by the due process clause of the Fifth and Fourteenth Amendments.

18. Defendant-intervenors admit that one component of due process is equal protection and that equal protection is inconsistent with invidious racial discrimination. Except as expressly admitted, defendant-intervenors deny the averments in paragraph 18.

19. Defendant-intervenors deny the averments in paragraph 19.

20. Defendant-intervenors deny the averments in paragraph 20.

21. Defendant-intervenors deny the averments in paragraph 21.

22. Defendant-intervenors deny the averments in paragraph 22.

23. Defendant-intervenors deny the averments in paragraph 23.

24. Defendant-intervenors deny the averments in paragraph 24.

25. Defendant-intervenors deny the averments in paragraph 25.

26. Defendant-intervenors deny the averments in paragraph 26.

27. Defendant-intervenors deny the averments in paragraph 27.

28. Defendant-intervenors deny the averments in paragraph 28.

29. Defendant-intervenors deny the averments in paragraph 29.

30. Defendant-intervenors deny the averments in the first sentence of paragraph 30. Defendant-intervenors do not understand the meaning of the second sentence of paragraph 30 and, therefore, they lack sufficient knowledge to admit or deny the averments contained in second sentence of paragraph 30.

31. Defendant-intervenors deny the averments in paragraph 31.

32. Defendant-intervenors are without sufficient knowledge to admit or deny the averments in the first sentence of paragraph 32. To the extent the first sentence in paragraph 32 avers that registered voters in Texas have a right to vote in elections to choose members of the United States House of Representatives, defendant-intervenors admit that averment. Except as expressly admitted herein, defendant-intervenors deny the averments in paragraph 32.

33. Defendant-intervenors deny the averments in paragraph 33 to the extent that paragraph 33 implies that defendants or the State of Texas have abridged the right to vote of plaintiffs herein. Defendant-intervenors are without sufficient information to admit or deny the averments in paragraph 33 to the extent the averments purport to state or describe the voting status or eligibility of plaintiffs.

34. Defendant-intervenors deny the averments in paragraph 34.

35. Defendant-intervenors deny the averments in paragraph 35.

36. Defendant-intervenors deny the averments in paragraph 36.

37. Defendant-intervenors deny the averments in paragraph 37.

38. Defendant-intervenors deny the averments in paragraph 38.

39. Defendant-intervenors admit that plaintiffs request a permanent injunction in this case. Except as expressly admitted herein, defendant-intervenors deny the averments in paragraph 39.

WHEREFORE, Intervenors pray that the Court dismiss the instant action and grant intervenors their taxable costs in this action.

Answer in Intervention of League of United Latin American Citizens (LULAC) of Texas from *Vera v. Richards*, heard in the United States District for the Southern District of Texas

Dated April 14, 1994

The Defendant-Intervenor, League of United Latin American Citizens (LULAC) of Texas (hereinafter LULAC of Texas), by and through its undersigned attorneys offers the following answers to the Original Complaint for Permanent Injunction and Declaratory Judgment and Motion for Preliminary Injunction.

1. Defendant-Intervenor admits that plaintiffs have brought suit challenging the Texas State Legislature's Congressional Redistricting Plan, as set forth in paragraph 1. Defendant-Intervenor denies the substance of plaintiffs' challenge and specifically denies that the Congressional Plan violates any constitutional rights of any plaintiff as alleged in paragraph 1.

2. Defendant-Intervenor admits that plaintiffs herein seek a judgment as set forth in paragraph 2. Defendant-Intervenor denies that plaintiffs are entitled to such a judgment.

3. Defendant-Intervenor admits that plaintiffs purport to bring this action under the statutes and constitutional provisions set forth in paragraph 3. Except as expressly admitted, defendant-intervenor denies the averments in paragraph 3.

4. Defendant-Intervenor admits that plaintiffs have pled the correct jurisdictional statutes as set out in paragraph 4.

5. Defendant-Intervenor admits that, based on information and belief, all named defendants reside in the State of Texas. Defendant-Intervenor denies that plaintiffs has sustained any injuries.

6. Defendant-Intervenor agrees with the assertion in paragraph 6 that a three-judge court is required under 28 U.S.C. § 2284.

7. Defendant-Intervenor is without sufficient knowledge to admit or deny the averments in paragraph 7.

8. Defendant-Intervenor admits that Ann Richards is the Governor of Texas and state that they are without sufficient knowledge to admit or deny the averment concerning her duty.

9. Defendant-Intervenor admits the averments in paragraph 9, 10, and 11.

10. On information and belief, Defendant-Intervenor denies that John Hannah, Jr. is the Secretary of State of Texas. Defendant-Intervenor admits the remaining averments in paragraph 12.

11. Defendant-Intervenor admits the averments in paragraphs 13 and 14.

12. Defendant-Intervenor denies the averment in paragraph 15, to the extent that it states redistricting legislation was unenforceable "unless and until" the Attorney General failed to act. A change that affects voting in a covered jurisdiction under Section 5 of the Voting Rights Act may also take effect following an affirmative grant of preclearance by the Attorney General or a declaratory judgment determination by the District Court of the District of Columbia.

13. Defendant-Intervenor admits the averments in paragraph 16.

14. Defendant-Intervenor is without sufficient knowledge to admit or deny the averments in paragraph 17. Defendant-Intervenor admits that United States citizens registered to vote in Texas have rights under the United States Constitution, protected by the due process clause of the Fifth and Fourteenth Amendments.

15. Defendant-Intervenor admits that one component of due process is equal protection and that equal protection is inconsistent with invidious racial

discrimination. Except as expressly admitted, Defendant-Intervenor denies the averments in paragraph 18.

16. Defendant-Intervenor denies the averments in paragraph 19.

17. Defendant-Intervenor denies the averments in paragraph 20.

18. Defendant-Intervenor denies the averments in paragraph 21.

19. Defendant-Intervenor denies the averments in paragraph 22.

20. Defendant-Intervenor denies the averments in paragraph 23.

21. Defendant-Intervenor denies the averments in paragraph 24.

22. Defendant-Intervenor denies the averments in paragraph 25.

23. Defendant-Intervenor denies the averments in paragraph 26.

24. Defendant-Intervenor denies the averments in paragraph 27.

25. Defendant-Intervenor denies the averments in paragraph 28.

26. Defendant-Intervenor denies the averments in paragraph 29.

27. Defendant-Intervenor denies the averments in the first sentence of paragraph (____). Defendant-Intervenor does not understand the meaning of the second sentence of paragraph ____ and, therefore, lack sufficient knowledge to admit or deny the averments contained in second sentence of paragraph ____.

28. Defendant-Intervenor denies the averments in paragraph 31.

29. Defendant-Intervenor is without sufficient knowledge to admit or deny the averments in the first sentence of paragraph 32. To the extent the first sentence in paragraph 32 avers that registered voters in Texas have a right to vote in elections to choose members of the United

States House of Representatives, Defendant-Intervenor admits that averment. Except as expressly admitted herein, Defendant-Intervenor denies the averments in paragraph 32.

30. Defendant-Intervenor denies the averments in paragraph 33 to the extent that paragraph 33 implies that Defendants or the State of Texas have abridged the right to vote of Plaintiffs herein, Defendant-Intervenor is without sufficient information to admit or deny the averments in paragraph 33 to the extent the averments purport to state or describe the Voting status or eligibility of plaintiffs.

31. Defendant-Intervenor denies the averments in paragraph 34.

32. Defendant-Intervenor denies the averments in paragraph 35.

33. Defendant-Intervenor denies the averments in paragraph 36.

34. Defendant-Intervenor denies the averments in paragraph 37.

35. Defendant-Intervenor denies the averments in paragraph 38.

36. Defendant-Intervenor admits that plaintiffs request a permanent injunction in this case. Except as expressly admitted herein, Defendant-Intervenor denies the averments in paragraph 39.

WHEREFORE, Intervenor prays that the Court dismiss the instant action and grant Intervenors their taxable costs in this action.

Plaintiffs' Specification of Those Congressional Districts Under Challenge from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 16, 1994

The Plaintiffs herein, Al Vera, Edward Chen, Pauline Orcutt, Edward Blum, Kenneth Powers, and Barbara L. Thomas, do hereby represent that the following Congressional Districts of the 1992 Texas congressional districting plan are specifically challenged based upon the creation of the districts in an attempt to allocate the citizens within the districts by race and ethnicity. The districts under challenge will be identified based upon the cause of action asserted against the construction of the particular district, reserving as a separate and distinct factual consideration for the Court the pattern and practice of racial allocation between districts.

1.

The Equal Protection Clause of the Fourteenth Amendment as articulated in Shaw v. Reno. This cause of action relies heavily on the bizarre, non-traditional construction of the districts, the systematic division of counties, cities, voting precincts, identifiable neighborhoods to provide circumstantial evidence to buttress other evidence that the district is a "racial gerrymander" without compelling governmental interest under the cited authority and its predecessors cited therein. Of the thirty districts in existence, all of the districts violate the principles set forth in Shaw except the following districts -- District 1, 2, 10, 11, 14, 15, 16, 17, 20 and 27.

2.

The Equal Protection Clause of the Fourteenth Amendment. The Plaintiffs assert that it is violative of the Equal Protection clause as articulated in Hays v. Louisiana

for the State Defendants to use race to construct congressional districts which segregate the residents of certain counties, cities and voting precincts by race to allocate the various racial groups into specific districts, in violation of the communities of interest of the segregated locales, in furtherance of a scheme to protect the then existing incumbents, without compelling governmental interests. Of the thirty districts in existence all of the districts are violative of this cause of action, as articulated in Hays, except the following district - 10, 11, 16, 17, 20 and 27.

3.

Section 2 of the Voting Rights Act. While the Plaintiffs assert that the doctrine of collateral estoppel does not prevent this Honorable Court from adjudicating its rights under this statute, in the interest of judicial economy and to narrow the factual and legal issues before this Honorable Court, the Plaintiffs hereby dismiss, without prejudice, their claims under Section 2 of the Voting Rights Act.

4.

State Constitutional Claims. With respect to the claims asserted by the Plaintiffs alleging violations of the constitution of the State of Texas, and other Texas statutory violations, the Plaintiffs hereby dismiss, without prejudice, their claims under said State constitutional and legal provisions.

5.

Therefore, with respect to the Congressional Districts listed in paragraph 2 above, Plaintiffs do not contend that these districts are violative of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, except as they are residual components of a plan otherwise unconstitutional. Additionally, Districts 1, 2, 14, and 15 are challenged under the Equal Protection Clause as non-bizarre products of racial gerrymandering to effectuate the non-compelling governmental interest of incumbent protection.

Stipulations of the Parties
from *Vera v. Richards*, heard in the United States District for the Southern District of Texas

Dated June 30, 1994

COME NOW the parties, and stipulate as follows for the purposes of the proceedings:

1. The parties may introduce into evidence copies of pleadings and the transcripts of testimony from the case of Terrazas v. Slagle, Civ. Action No. A-91-CA-428, Federal District Court for the Western District of Texas, Austin Division, relating to congressional redistricting, subject to objections as to relevancy and materiality.

2. The parties may introduce into evidence any maps, census data, voting data, and any other non-confidential or nonprivileged reports generated by, or with the use of, the state's redistricting computer, mapping and database system. These documents are admissable without authentication provided that they clearly reflect that they are a product of that system.

3. Subject to leave of the Court, to limit the time of live testimony of witnesses, deposition testimony of those witnesses may be introduced into evidence after their testimony is given. The parties will designate only non-duplicative portions of those depositions. The parties may designate and introduce portions of depositions of other witnesses, regardless of the availability of the witness

The Legislature

4. The Texas Legislature consists of the Senate and the House of Representatives.

5. The Texas Senate has 31 members, elected from single member districts.

6. The Texas House of Representatives has 150 members, elected from single-member districts.

Demographics

7. According to the 1980 Census, Texas' total population was 14,229,191, of whom 2,985,824 (20.98 percent) were Hispanic, 1,692,542 (11.89 percent) were non-Hispanic black and 9,350,297 (65.7 percent) were Anglo.

8. According to the 1990 Census, Texas' total population had increased to 16,986,510, of whom 4,339,905 (22.55 percent) were Hispanic, 1,976,360 (11.63 percent) were non-Hispanic black and 10,291,680 (60.59 percent) were Anglo. The increase in population from 1980 to 1990 (2,757,319 persons) entitled Texas to three additional seats in the United States House of Representatives, increasing the size of the delegation from 27 to 30.

9. According to the 1980 Census, Texas' voting-age population was 9,923,085 of whom 1,756,971 (17.71 percent) were Hispanic, 1,095,836 (11.04 percent) were non-Hispanic black and 6,932,894 (69.87 percent) were Anglo.

10. According to the 1990 Census, Texas' voting-age population had increased to 12,150,671 of whom 2,719,586 (22.38 percent) were Hispanic, 1,336,688 (11.0 percent) were non-Hispanic black and 7,828,352 (64.43 percent) were Anglo.

11. According to the 1990 Census, the Hispanic population in the state grew from 1980 to 1990 by 1,354,081 persons, or 45.4 percent, the black population in the state grew from 1980 to 1990 by 283,818 persons, or 16.8 percent, and the Anglo population in the state grew from 1980 to 1990 by 941,383 persons, or 10.1 percent. The growth in Hispanic population accounted for 49.1 percent of the increase in Texas' total population from 1980 to 1990.

12. The five counties with the largest growth in population from 1980 to 1990 in number of persons gained are Harris, Tarrant, Dallas, Bexar and Travis Counties. As noted below, the growth in the Hispanic and non-Hispanic black population in these counties accounted for a significant

proportion of the increase in population in each of these counties:

a. The total population of Harris County increased by 408,652 persons from 1980 to 1990. The Hispanic population in Harris County increased by 275,858 persons, accounting for 67.5 percent of the growth in total population in the county. The non-Hispanic black population in Harris County increased by 58,674 persons, accounting for 14.4 percent of the county's growth.

b. The total population of Tarrant County increased by 309,223 persons from 1980 to 1990. The Hispanic population in Tarrant County increased by 72,247 persons, accounting for 23.4 percent of the growth in total population in the county. The non-Hispanic black population in Tarrant County increased by 37,765 persons, accounting for 12.2 percent of the county's growth.

c. The total population of Dallas County increased by 296,420 persons from 1980 to 1990. The Hispanic population in Dallas County increased by 161,069 persons, accounting for 54 percent of the growth in the total population of the county. The non-Hispanic black population in Dallas County increased by 76,343 persons, accounting for 25.8 percent of the county's growth.

d. The total population of Bexar County increased by 196,594 persons from 1980 to 1990. The Hispanic population in Bexar County increased by 128,269 persons, accounting for 65.2 percent of the growth in the total population of the county. The non-Hispanic black population in Bexar County

increased by 13,326 persons, accounting for 6.8 percent of the county's growth.

e. The total population of Travis County increased by 156,834 persons from 1980 to 1990. The Hispanic population in Travis County increased by 49,401 persons, accounting for 31.5 percent of the growth in the total population in the county. The non-Hispanic black population of Travis County increased by 16,576 persons, accounting for 10.6 percent of the county's growth.

13. According to the 1990 Census, there are 644,935 Hispanic persons in Harris County, of whom 405,735 are of voting age.

14. According to the 1990 Census, there are 527,964 non-Hispanic black persons in Harris County, of whom 359,248 are of voting age.

15. According to the 1990 Census, there are 362,130 non-Hispanic black persons in Dallas County, of whom 243,918 are of voting age.

16. Significant increases in Hispanic population occurred between 1980 and 1990 in several other counties:

a. The Hispanic population of Cameron County increased by 51,341 persons between 1980 and 1990.

b. The Hispanic population of El Paso County increased by 114,618 persons between 1980 and 1990.

c. The Hispanic population of Hidalgo County increased by 96,760 persons between 1980 and 1990.

d. The Hispanic population of Webb County increased by 34,227 persons between 1980 and 1990.

17. According to the 1990 Census, the ideal size of a Texas congressional district is 566,217.

Prior Congressional Redistrictings

18. The State of Texas is a covered jurisdiction under the special provisions of Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, and Texas must obtain preclearance-from the United States Attorney General or the U.S. District Court for the District of Columbia for any voting change prior to its implementation.

19. On January 29, 1982, the United States Department of Justice interposed an objection to Texas' first post-1980 congressional redistricting plan, Senate Bill 1 (1981) ("SB 1"). Government Exhibit 1001 is a true and accurate copy of the January 29, 1982, objection letter.

20. The January 29, 1982 objection letter, stated:

> The area of concern is the area comprising proposed Districts 15 and 27. This portion of South Texas experienced substantial growth during the past decade and the 1980 Census reveals that 67 percent of the persons residing in this area are Mexican Americans. Under the plan as drawn, however, this very significant Mexican-American concentration and growth area seems to be proportioned inequitably between these two districts so that while proposed District 15 is 80.4 percent Mexican-American, proposed District 27 is only 52.9 percent Mexican-American. We have received allegations that this method of dividing the area dilutes the voting strength of the Mexican-American community as it exists in this area; we are also aware that numerous alternative plans were presented which would not have this effect and that such alternatives were rejected.

21. Government Exhibit 1002 is an accurate copy of a map reflecting the 1981 Texas congressional redistricting plan to which an objection was interposed.

22. Government Exhibit 1003 is a true and accurate copy of a table listing the racial and ethnic population statistics of the districts of the 1981 Texas congressional redistricting plan to which an objection was interposed.

23. During both the post-1970 and post-1980 redistricting processes, black citizens in Dallas advocated for the creation of a congressional district in Dallas in which black citizens could elect a candidate of choice.

Terrazas Litigation

24. On May 24, 1991, Republican plaintiffs in Terrazas v. Slagle, 821 F. Supp. 1162 (W.D. Tex. 1993), brought an action under the 14th and 15th Amendments to the Constitution and the Voting Rights Act against various officials of the State of Texas and the Texas Democratic Party. The lawsuit was filed before the adoption of Chapter 7 (1991, Second Special Session), the 1991 Texas congressional redistricting plan. Government Exhibit 1004 is a true and accurate copy of the original complaint in this action.

25. In their First Amended Original Complaint, filed October 21, 1991, the plaintiffs in Terrazas challenged the 1991 Texas congressional redistricting plan as unconstitutional and violative of the Voting Rights Act, and alleged that it:

> sacrifices the rights of racial and political minorities to enhance the reelection chances of Anglo Democrat incumbents by fragmenting and concentrating the population centers of Hispanics and Republicans, diminishing the likelihood that candidates of their choice can be elected from within their communities.

Government Exhibit 1005 is a true and accurate copy of the First Amended Original Complaint filed on October 21, 1991 in Terrazas.

26. The court in Terrazas ruled that the 1991 Texas congressional redistricting plan did not dilute the voting rights of racial, ethnic or political minorities in violation of the Constitution or the Voting Rights Act, Terrazas v. Slagle, 821 F. Supp. 1162 (W.D. Tex. 1993), after having denied the plaintiffs' request for a preliminary injunction against use of the plan for the 1992 elections. Terrazas v. Slagle, 789 F. Supp. 828 (W.D. Tex. 1992).

Adoption of the Congressional Plan

27. The following committees and subcommittees of the Texas legislature were involved in the task of redistricting in 1990 and 1991: the Senate Select Committee on Legislative Redistricting, chaired by Senator Bob Glasgow; the House Committee on Redistricting, chaired by Representative Tom Uher; the Senate Committee of the Whole on Redistricting, chaired by Senator Chet Brooks, which had two subcommittees: the Subcommittee on Congressional Districts, chaired by then State Senator Eddie Bernice Johnson, and the Subcommittee on Legislative Redistricting, chaired by Senator Bob Glasgow; and the Senate Committee of the Whole, chaired by Senator Chet Brooks. The staff of the Senate Subcommittee on Congressional Districts included Lee Nobles, Jason Justice, and Sandra Coaxum. The staff for the Senate Subcommittee on Legislative Redistricting included Carl Reynolds, Chris Sharman, Shannon Noble and Laura McElroy.

28. State Representative Kent Grusendorf was a member of the House Committee on Redistricting during the 1991 redistricting process.

29. The congressional redistricting plan in effect from 1983-1991 is listed in the Texas redistricting computer system as plan C001.

30. An alternative congressional redistricting plan created by then State Senator Eddie Bernice Johnson is listed in the Texas redistricting computer system as plan C500.

31. An alternative congressional redistricting plan created by George Korbel, which did not include the entire state, is listed in the Texas redistricting computer system as plan C510.

32. An alternative congressional redistricting plan created by the Texas congressional delegation is listed in the Texas redistricting computer system as plan C525.

33. An alternative congressional redistricting plan created by Bill Owens and A.J. Pate is listed in the Texas redistricting computer system as plan C606.

34. An alternative congressional redistricting plan created after the adoption of H.B. 1 by Dr. Ron Weber with technical assistance from Scott Simms is listed in the Texas redistricting computer system as C676.

35. The 1991 Texas congressional redistricting plan, Chapter 7 (1991 Second Special Session) (also known as "HB 1" and Plan C657), was enacted by the Texas legislature on August 25, 1991, and signed by Governor Ann Richards on August 29, 1991. Government Exhibit 1006 is a true and accurate copy of HB 1, passed by the Texas Legislature, Second Called Session, 1991.

36. The State of Texas initially submitted its 1991 congressional redistricting plan to the Attorney General for Section 5 preclearance on September 16, 1991, and supplemented its submission thereafter.

37. On November 18, 1991, the Texas congressional redistricting plan received Section 5 preclearance from the Attorney General. Government Exhibit 1007 is a true and accurate copy of the November 18, 1991, determination letter.

38. In the 1991 Texas congressional redistricting plan, the counties of Austin, Brazoria, Brazos, Cooke, Ellis, Gregg, Hunt, Fort Bend, Johnson, Kaufman, Lubbock, McCullough, Nacogdoches, Parker, Smith, Tom Green,

Travis, Waller and Williamson are each divided between two congressional districts, each of which is majority Anglo in total population.

39. In the 1991 Texas congressional redistricting plan, the counties of Comal, Ector, and Guadalupe are each divided between two congressional districts, one of which is majority Anglo in total population and the other is majority Hispanic in total population.

40. In the 1991 Texas congressional redistricting plan, the counties of El Paso, Kleberg, Jim Wells, and Willacy are each divided into two congressional districts, each of which is majority Hispanic in total population.

41. In the 1991 Texas congressional redistricting plan, McCullough County is the only divided county in congressional District 11.

42. In the 1991 Texas congressional redistricting plan, Tom Green County is the only divided county in congressional District 17.

43. In the Plan Analysis Reports (PARs) generated by the Texas redistricting computer system, the column reflecting "black" population data includes black Hispanics, but Hispanics are not double-counted in the column which adds black and Hispanic population data ("B + H.").

44. Government Exhibit 1000 is a true and accurate copy of PAR 313B for Plan C657, Allocated District Election Analysis Using 1992 VTD's with County Subtotals.

The Texas Congressional Delegation

45. During the consideration of congressional redistricting by the Texas legislature in 1991, the Texas congressional delegation had 27 members.

46. During the consideration of the 1991 Texas congressional redistricting, of the 27 members of the Texas congressional delegation, 18 were Democrats and 9 were Republicans.

47. During the consideration of 1991 Texas congressional redistricting, of the 27 members of the Texas

congressional delegation, one was black, four were Hispanic, and 22 were Anglo.

48. As a result of the 1990 Census, the Texas congressional delegation increased to 30 members.

49. Of the 30 members of the Texas congressional delegation elected in 1992 after the 1991 Texas congressional redistricting, 20 are Democrats and 10 are Republicans.

50. Of the 30 members of the Texas congressional delegation elected in 1992 after the 1991 Texas congressional redistricting, two are black, five are Hispanic, and 23 are Anglo.

51. Each incumbent member of congress, except Albert Bustamante, an Hispanic Democrat who represented District 23, was reelected to congress in 1992. Bustamante was defeated in the 1992 General Election by Henry Bonilla, an Hispanic Republican.

52. Under the 1991 Texas congressional redistricting plan, the residence of each incumbent was included in that incumbent's district, i.e., no two incumbent members of congress were paired in the same congressional district.

Plaintiffs' Letter to the District Court Clerk
Regarding Designation of Deposition Excerpts

Dated July 8, 1994

July 8, 1994

Clerk, United States District Court
Attn: Darlene Maury
Southern District of Texas
515 Rusk Avenue, 5th Floor
Houston, TX 77002

Re: Vera, *et. al.* v. Richards, *et. al.*, Civil Action H-94-0277, In the U.S. District Court, Southern District of Texas, Houston Division

Dear Sirs:

In the two accompanying boxes, please enclosed find the following depositions for filing with the court. Unless otherwise noted, these are the originals:
Jeff Archer, June 10, 1994 (copy)
Edward Blum, April 8, 1994
Robert R. Brischetto, June 24, 1994
Ed Chen, April 8, 1994
Kent Grusendorf, June 17, 1994 (copy)
Hon. Eddie Bernice Johnson, June 13, 1994
Lisa Robin Handley, Ph. D., June 23, 1994
Roman Martinez, June 16, 1994
Roman Martinez, June 21, 1994 (Volume II)
Roman Martinez, June 21, 1994 (Volume III)
Dr. Susan McManus, June 22, 1994
Pauline Orcutt, April 26, 1994 (copy)

William C. Owens, Jr., June 9, 1994
A. J. Pate, June 16, 1994
Kenneth Powers, April 26, 1994 (copy)
Carl Vernon Reynolds, June 17, 1994 (copy)
Christopher Martin Sharman, June 18, 1994
Barbara Thomas, June 8, 1994 (copy)
Al Vera, April 8, 1994
Dan Weiser, June 23, 1994
Dr. Ronald Weber, Volume I, June 22, 1994
Dr. Ronald Weber, Volume II, June 22, 1994

Copies of these depositions, with offers of testimony marked in yellow by Plaintiffs and in blue by Defendants are concurrently being delivered to the chambers of Hon. Edith Jones. For each deposition there is a page and line summary, although the format varies somewhat.

Certain of the exhibits (handdrawn maps of Hon. Roman Martinez) to the June 26, 1994 deposition of Mr. Martinez are not included either with the original filing or with the annotated copies for the court. These may be found in Plaintiffs' Trial Exhibit 11.

Sincerely Yours,

Douglas E. Markham

cc: Mr. Renea Hicks, State Solicitor
Office of the Texas Attorney General
Ms. Gay Hume/Mr. Richard Jerome
United States Department of Justice
Ms. Judith Sanders-Castro
Reyes Intervenors/MALDEF
Ms. Penda Hair
Lawson Intervenors/NAACP

DEPOSITION OF EDWARD BLUM

Marked by Planitiffs (in yellow):

From		To	
Page	Line	Page	Line
46	15	47	2
51	13	52	6
53	14	55	4
56	6	58	14
87	9	88	2
91	11	91	23
120	18	121	5

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
7	12	10	9
11	3	11	22
95	3	96	3
104	5	105	6
105	23	106	14

DEPOSITION OF EDWARD CHEN

Marked by Planitiffs (in yellow):

From		To	
Page	Line	Page	Line
31	16	32	25
40	15	40	25
46	15	47	22
50	16	54	12

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
19	7	24	13
37	19	38	4
64	9	64	18
119	3	121	1
123	13	124	2
108	10	109	12
114	2	114	21
126	2	128	23

DEPOSITION OF PAULINE ORCUTT

Marked by Plaintiffs

p. 22 lines 20 to 25
p. 23 lines 1 to 13
p. 26 lines 3 to 17
p. 30 lines 7 to 22
p. 34 line 22 to p. 35 line 7
p. 61 line 23 to p. 62 line 1
p. 66 line 24 to p. 67 line 22
p. 84 lines 4 to 18
p. 85 lines 2 to 3
p. 86 line 25 to p. 87 line 9
p. 89 lines 3 to 25
p. 135 lines 11 to 23

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
7	11	8	1
10	1	10	11
24	3	25	7
15	6	17	3

26	20	28	9
45	12	45	16
46	14	46	19
59	11	59	17
60	19	61	22
62	11	64	13
67	23	68	3
71	23	71	25
84	19	85	1
86	22	86	24

DEPOSITION OF BARBARA THOMAS

Marked by Plaintiffs (in yellow)

p. 15 line 18 to p. 17 line 13
p. 24 line 8 to p. 27 line 9
p. 35 line 23 to p. 36 line 12
p. 36 line 18 to p. 38 line 11
p. 41 line 3 to p. 42 line 5
p. 61 line 3 to p. 64 line 10
p. 101 line 17 to p. 102 line 7
p. 129 line 8 to p. 130 line 4

Marked by Defendants and Defendant-Intervenor (in blue)

p. 7 line 17 to p. 8 line 17.
p. 12 line 7 to p. 13 line 21.
p. 47 line 4 to p. 47 line 15
p. 58 line 15 to p. 58 line 23.
p. 60 line 15 to p. 60 line 21.
p. 64 line 11 to p. 64 line 13.
p. 66 line 21 to p. 66 line 24.
p. 69 line 22 to p. 70 line 12.
p. 71 line 4 to p. 71 line 10.
p. 72 line 7 to p. 72 line 10.
p. 74 line 11 to p. 74 line 18.

p. 78 line 4 to p. 79 line 9.
p. 87 line 1 to p. 89 line 5.
p. 96 line 22 to p. 97 line 7.
p. 100 line 11 to p. 101 line 16.
p. 103 line 21 to p. 104 line 3.

DEPOSITION OF AL VERA

Marked by Planitiffs (in yellow):

From		To	
Page	Line	Page	Line
8	14	13	9
51	20	54	10

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
7	19	8	5
12	9	13	9
53	6	53	20
67	8	67	16
78	10	78	17
86	4	86	15
94	14	94	25
100	11	101	7
107	13	108	7

DEPOSITION OF JEFF ARCHER

Marked by Planitiffs (in yellow):

From		To	
Page	Line	Page	Line
5	15	1	18
6	21	7	3

7	9	7	16
8	23	9	6
17	7	17	11
19	24	20	2
24	12	25	7
25	13	25	19
30	10	32	5
32	18	33	12
35	16	41	2
41	24	42	21
43	8	46	2
54	7	55	14
56	17	57	14
68	8	70	16
71	7	73	10
82	14	82	22
83	8	86	12
88	6	89	25
97	21	99	18
101	14	101	19
104	25	105	3
106	10	110	5
113	21	114	11
117	5	118	16
118	23	121	2
122	4	122	10
131	17	132	8
133	8	133	13
136	1	136	15
137	1	137	2
137	17	137	22
141	7	141	17
169	5	170	8
177	4	177	16
178	17	179	13
189	15	190	6
193	19	194	17

202	25	204	5
206	12	209	1
217	25	225	9
236	5	236	9

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
79	11	80	6
86	13	88	5
121	3	122	3
132	18	133	7
133	14	134	21
179	16	180	11
182	1	184	21
185	3	187	15
188	6	189	4
190	7	191	6
192	12	193	18
211	2	212	14
216	6	216	15
225	10	225	22
234	9	236	4
247	18	249	4

DEPOSITION OF ROBERT BRISCHETTO

Marked by Plaintiffs (in yellow):

From		To	
Page	Line	Page	Line
3	7	4	24
5	7	5	8
6	10	6	14
6	19	6	24
7	12	8	13

11	11	11	16
14	8	14	16
15	21	16	5
18	13	29	10
30	5	30	21
31	7	32	2
37	7	42	12
44	2	44	6
44	14	44	23
47	3	48	3
48	24	52	6
53	20	54	22
56	14	56	23
57	15	58	9
59	9	59	18
62	3	63	5
63	15	64	8
64	20	65	8
70	15	71	12
76	3	76	21
77	25	78	23
79	12	80	6
85	14	85	19
86	19	86	24
87	24	90	1
100	1	101	15

Marked byDefendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
11	17	12	11
14	17	15	9
16	9	16	19
30	22	30	25
58	10	59	8

63	15	63	19
73	18	75	2
80	7	80	19
83	3	85	2
90	2	90	7
91	3	91	17
92	2	92	19
93	25	94	10
96	1	96	11
96	14	99	7

DEPOSITION OF KENT GRUSENDORF

Marked by Plaintiffs (in yellow):

From		To	
Page	Line	Page	Line
16	10	16	20
37	15	37	21
42	25	45	22
47	13	47	14
59	11	60	1

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
14	4	15	7
36	17	37	14
38	10	39	4
41	1	41	13
47	6	47	11
60	2	60	11
64	12	64	16
85	23	86	5

DEPOSITION OF LISA HANDLEY

Marked by Plaintiffs (in yellow):

From		To	
Page	Line	Page	Line
23	26	26	16
38	7	42	10
46	2	46	25
49	4	50	10
56	20	57	4
68	1	69	13
72	7	73	1
75	6	75	18
82	8	86	20
91	2	95	5
98	9	101	23

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
22	4	22	10
110	5	110	15

DEPOSITION OF EDDIE BERNICE JOHNSON

Marked by Plaintiff (in yellow):

From		To	
Page	Line	Page	Line
3	3	3	21
4	20	5	17
6	19	7	15
7	19	7	21
10	14	11	21
13	1	14	13

15	5	15	18
17	9	17	14
19	17	21	13
26	20	29	7
30	20	31	12
37	3	37	20
40	21	41	16
42	18	43	8
43	13	43	21
44	17	45	21
47	19	49	7
50	15	52	10
55	6	56	1
64	9	64	14
67	8	68	11
73	17	74	12
78	10	79	4
80	2	81	18
83	3	85	3
87	14	88	6
90	19	91	13
94	4	95	5
96	20	98	7
102	11	102	21
105	11	106	6
111	9	113	5
118	4	118	20
121	3	121	5
129	18	130	8
132	9	134	5
165	17	166	15

Marked by Defendants and defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
9	11	9	21

10	1	10	4
19	13	19	16
22	11	22	18
29	15	29	21
30	1	30	3
31	13	31	21
32	1	32	11
33	19	33	21
34	1	34	21
35	1	35	18
38	15	38	20
39	9	39	14
40	2	40	10
41	17	41	19
44	11	44	13
52	11	52	21
53	1	53	21
54	1	54	12
56	2	56	15
61	3	61	12
63	9	63	21
64	1	64	8
64	15	64	21
65	1	65	12
74	13	74	14
74	18	74	21
75	1		
81	19	81	21
82	1	82	15
88	14	88	18
92	2	92	12
98	19	98	21
99	1		
99	21		
100	1	100	5
100	21		
101	1	101	21

102	1	102	2
103	1	103	4
108	8	108	20
113	12	113	21
114	1	114	13
114	21		
115	1	115	21
116	1	116	5
116	21		
117	1	117	5
118	21		
119	1	119	3
120	17	120	21
121	1	121	2
121	6	121	16
126	4	126	21
127	1	127	21
128	1	128	2
128	12	128	21
129	1	129	4
129	12	129	17
130	9	130	21
131	1	131	21
132	1	132	8
134	6	134	21
135	1	135	21
136	1	136	21
137	1	137	21
138	1	138	21
139	1	139	12
140	1	140	21
141	1	141	15
142	3	142	19
143	9	143	21
144	1	144	13
147	11	147	21
148	1	148	13

149	1	149	9
150	7	150	13
151	6	151	21
152	1	152	8
158	15	158	21
159	1	159	21
160	1	160	11

DEPOSITION OF ROMAN MARTINEZ

VOLUME I

Marked by Plaintiffs (in yellow):

From		To	
Page	Line	Page	Line
9	9	8	8
9	2	9	25
13	1	15	2
15	25	17	23
20	21	24	21
26	5	28	12
29	16	30	8
31	13	32	8
33	12	34	11
34	19	35	21
38	1	46	16
47	1	51	12
52	15	52	23
53	4	55	25
56	9	57	6
60	18	62	8
63	11	64	9
70	3	70	17
71	6	76	10
77	10	79	21
80	10	80	20

82	22	83	23
85	14	86	7
88	9	89	21
90	23	95	13
97	2	97	17

VOLUME II

From		To	
Page	Line	Page	Line
6	22	8	1
9	23	9	25
11	9	11	22
13	3	17	15
18	16	18	24
23	16	24	12
25	24	29	4
33	18	34	24
37	23	38	14

VOLUME III

From		To	
Page	Line	Page	Line
5	5	7	11
8	20	10	7
15	4	15	8

Marked by Defendants and Defendant-Intervenors (in blue):

VOLUME I

From		To	
Page	Line	Page	Line
8	9	8	23
20	5	20	6
20	12	20	20

31	3	31	7
46	17	46	25
58	12	58	15
59	23	59	25
60	1	60	7
60	11	60	17
62	9	62	25
63	1	63	3
76	11	76	15
86	22	86	25
87	1	87	8
96	11	96	18
96	21	96	25
97	1		

VOLUME II

From Page	Line	To Page	Line
8	2	8	3
8	8	8	11
20	11	20	12
20	15	20	19

VOLUME III

From Page	Line	To Page	Line
8	3	8	19
13	16	14	9
16	25		
17	1	18	2
18	6	20	15

DEPOSITION OF SUSAN MCMANUS

Marked by Plaintiffs (in yellow):

From Page	Line	To Page	Line
22	12	23	3
26	2	26	18
33	6	33	12
52	20	53	22
56	7	56	25
57	7	59	4
68	12	69	4
86	5	86	25
96	22	97	3

Marked by Defendants and Defendant-Intervenors (in blue):

From Page	Line	To Page	Line
21	17	22	11
23	25	24	5
35	6	37	21
42	14	43	10
45	1	47	9
51	18	52	19
54	14	54	22
54	23	55	4
62	1	65	19
74	11	74	22

DEPOSITION OF WILLIAM OWENS

Marked by Plaintiffs (in yellow):

From Page	Line	To Page	Line
11	2	11	20

13	15	14	10
21	5	21	11
24	1	25	8
41	10	42	9
53	19	54	7
57	14	57	17
82	2	82	22
119	19	119	25
122	6	123	2
143	19	144	10
158	21	159	5
176	22	177	6
179	22	180	24
186	23	186	10
195	5	196	2
209	10	210	16
215	10	215	16
220	24	221	8
223	8	223	10
275	2	275	15

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
8	5	9	19
17	18	18	6
27	25	33	1
33	14	35	3
38	18	39	6
40	13	41	9
42	10	43	6
46	13	51	11
52	18	53	18
59	24	62	19
63	18	67	21
68	3	69	16

74	14	82	1
90	6	92	24
97	10	97	14
99	14	101	14
108	13	108	24
124	15	130	3
132	24	133	19
134	10	137	8
138	24	140	2
144	11	144	25
146	12	148	9
151	5	153	1
173	8	175	9
223	11	224	11
218	1	218	10

DEPOSITION OF A.J. PATE

Marked by Plaintiffs (in yellow):

From		To	
Page	Line	Page	Line
7	10	8	4
23	17	23	25
24	1	24	13
29	19	29	25
37	1	37	9
48	12	48	17
53	23	54	18
55	13	55	25
57	14	57	25
58	1	58	1
60	20	60	25
61	1	61	1
66	16	66	25
67	1	67	10
73	6	73	25

74	1	74	2
74	14	74	22
80	14	80	28
81	1	81	4
84	7	84	25
85	1	85	7
85	17	85	25
86	1	86	18
87	1	87	15
89	24	89	28
90	1	90	2
91	17	91	25
92	1	92	10
92	23	92	25
93	18	93	25
94	1	94	20
97	7	97	18
104	16	104	25
105	1	105	25
106	1	106	9

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
7	10	8	12
9	12	11	2
24	16	24	25
25	10	27	21
32	2	32	13
36	14	37	9
39	4	40	15
42	4	42	18
43	3	43	12
51	18	53	13
55	13	57	17
60	10	61	1

61	6	61	24
62	13	64	8
64	23	65	14
69	23	70	23
72	1	72	7
72	24	74	22
75	11	76	17
77	19	79	18
80	13	81	12
83	7	84	25
85	14	85	23
90	11	93	9
94	20	96	5
97	19	98	5
98	16	100	1
102	20	103	14
107	10	107	15
111	4	111	9
112	19	113	14

DEPOSITION OF KENNETH POWERS

Marked by Plaintiffs (in yellow):

p.	12	lines 14 to 16
p.	12	line 20 to p. 13 line 1
p.	13	line 3 to line 14
p.	22	lines 6 to 10
p.	27	lines 15 to 24
p.	31	lines 1 to 16
p.	43	line 17 to p. 44 line 12
p.	48	lines 6 to 20
p.	50	lines 1 to 12
p.	61	line 9 to p. 62 line 1
p.	65	lines 1 to 7

p. 96 lines 2 to l0
p. 107 lines 13 to 24
p. 134 line 13 to line 22

Marked by Defendants and Defendant-Intervenors (in blue):

From Page	Line	To Page	Line
9	11	12	14
26	2	26	6
28	11	29	14
46	25	47	4
59	16	61	8
77	6	77	10
85	9	86	1
99	6	99	21
102	2	103	2

DEPOSITION OF CARL VERNON REYNOLDS

Marked by Plaintiffs (in yellow):

From Page	Line	To Page	Line
5	21	8	12
11	12	16	1
17	4	17	22
22	10	22	18
23	10	24	9
26	7	26	17
30	18	33	15
34	4	36	15
38	16	39	24
40	19	41	20
48	11	48	15

49	13	49	15
53	2	53	16
54	21	55	6
56	17	57	7
58	6	59	12
62	4	62	25
63	10	63	15
66	9	66	14
73	5	74	4
85	9	86	17
92	17	92	24
94	12	94	20
97	4	97	8
99	17	104	20
105	18	105	25
108	1	108	3
110	10	111	5
119	16	120	24
122	3	122	12
127	15	128	16

Marked by Defendants and Defendant-Intervenors (in blue):

From Page	Line	To Page	Line
24	19	25	5
43	16	43	22
128	15	129	17

DEPOSITION OF CHRISTOPHER MARTIN SHARMAN

Marked by Plaintiffs (in yellow)

p. 36 line 13 to p. 45 line 21
p. 52 lines 11 to 17

p. 57 lines 3 to 24
p. 164 lines 2 to 16
p. 166 line 20 to p. 167 line 5
p. 174 lines 15 to 23

Defendants' Offer of Proof (in blue)

p. 105 line 8 to p. 144 line 3

DEPOSITION OF DR. RONALD WEBER VOL. 1

p. 38 lines 7 to 25
p. 39 all
p. 40 lines 1 to 3
p. 43 lines 20 to 25
p. 44 lines 1 to 11 and lines 16 to 25
p. 45 lines 1 to 11
p. 51 lines 24 to 25
p. 52 lines 1 to 4 and lines 5 to 25
p. 58 lines 19 to 25
p. 59 lines 1 to 11
p. 73 lines 4 to 9
p. 83 lines 23 to 25
p. 84 lines 1 to 23
p. 114 lines 20 to 25
p. 115 lines 1 to 25
p. 116 lines 1 to 5
p. 147 lines 22 to 25
p. 148 lines 1 to 11
p. 159 lines 10 to 25
p. 160 lines 1 to 10
p. 185 lines 5 to 9

DEPOSITION OF DR. RONALD WEBER VOL. 2

Marked by Plaintiffs (in yellow):

p. 34 lines 21 to 25
p. 35 lines 1 to 8
p. 43 lines 8 to 18
p. 46 lines 7 to 25
p. 47 lines 1 to 25
p. 48 lines 1 to 25
p. 49 lines 1 to 25
p. 50 lines 1 to 2
p. 54 lines 9 to 25
p. 55 lines 1 to 9
p. 58 lines 12 to 25
p. 59 lines 10 to 25
p. 60 lines 1 to 8

Marked by Defendants and Defendant-Intervenors (in blue):

VOLUME I

From		To	
Page	Line	Page	Line
7	4	8	1
40	4	40	16
42	1	43	19
48	22	49	20
50	7	51	23
56	3	57	6
75	19	75	22
79	3	83	22
89	10	91	11
91	12	112	12
129	13	133	13
133	19	135	6

141	12	142	18
142	19	143	8
151	20	154	2
154	10	154	20
159	7	159	9
204	12	206	3
212	12	212	25

VOLUME II

From		To	
Page	Line	Page	Line
5	10	8	19
13	21	19	23
21	8	21	11
24	8	24	18
26	12	27	14
33	2	34	8
39	24	41	8
60	19	62	14

DEPOSITION FOR DAN WEISER

Marked by Plaintiffs (in yellow):

From		To	
Page	Line	Page	Line
5	24	6	2
6	5	6	14
7	1	7	7
8	2	9	18
12	16	13	21
13	22	21	18
24	5	25	23
38	25	39	13
40	7	41	16

43	21	44	4
46	22	47	10
50	3	51	3
52	3	52	7
53	3	55	16
58	17	59	1
59	17	60	25
62	14	63	4
64	22	65	25
68	18	69	1
78	12	79	5
82	4	82	21
85	2	86	12
86	13	88	22
91	10	92	11
94	25	98	12
99	10	100	12
101	10	102	9
102	24	103	13
112	13	113	9
122	19	126	8
133	17	134	3
139	3	139	15
142	8	144	4
170	19	171	25
172	1	172	12

Marked by Defendants and Defendant-Intervenors (in blue):

From		To	
Page	Line	Page	Line
7	8	7	13
22	19	24	4
37	4	38	24
39	18	40	2
41	19	42	6
47	11	48	15

51	4	51	25
52	17	53	2
57	21	58	18
59	10	59	14
61	2	62	10
63	13	63	17
64	7	64	11
67	15	68	9
69	2	69	10
79	6	79	8
81	10	81	20
82	22	83	7
88	23	88	24
89	12	89	22
93	22	94	24
102	11	102	23
105	12	106	10
108	15	109	3
113	9	113	11
120	11	120	17
139	19	139	20
144	25	145	7
146	14	146	23
148	7	148	16
150	6	150	24
165	16	166	13
167	8	168	15
169	22	170	4
174	17	175	18

Plaintiffs' Exhibit 4C

TEXAS CONGRESSIONAL REDISTRICTING
HOUSE BILL 1
72ND LEGISLATURE, 2ND CALLED SESSION

NARRATIVE OF VOTING RIGHTS ACT CONSIDERATIONS IN AFFECTED DISTRICTS
September, 1991
Texas Congressional Redistricting Staff

INTRODUCTION

The purpose of this narrative is to describe the Congressional redistricting process and to give an overview of the efforts made to address Voting Rights Act concerns. The redistricting process began in 1990 when outreach hearings were conducted throughout the state. These outreach hearings, which were conducted by the interim Senate Select Committee on Legislative Redistricting and by the House Redistricting Committee, were primarily held in those areas where minorities would be mostly affected and allowed members of the community to express their desires and concerns about the prospective House, Senate and Congressional districts. Additional hearings were held during the Regular Session of the 72nd Legislature.

One of the primary concerns of the minority communities was the purported undercount and the affect that it would have on the legislative and congressional redistricting process. The legislature did make certain adjustments to mitigate the impact of the undercount in drawing legislative districts; however, the one-person, one-vote requirement for congressional districts only allows a slight deviation, if any, from equal populations among the several districts. The proposed Congressional plan successfully achieves absolute

equal population among the districts, i.e. zero percent (0%) deviation. Since the Deparment of Commerce decided not to make an official adjustment, no population adjustments were made for the undercount.

The actual "drawing of the lines" of the new Congressional districts was a very long and tedious process which began during the Regular Session of the 72nd Legislature. In the Texas Senate, this process was led by Senator Eddie Bernice Johnson, Chair of the Senate Subcommittee on Congressional Districts and Senator Chet Brooks, Chair of the Senate Committee of the Whole. Representative Tom Uher led the redistricting efforts of the Texas House of Representatives. In designing the minority districts, it was necessary to consider several factors that impact the actual voting strength of the minority population. These factors include the total minority population, the voting age minority population, voter registration, voter turnout, and whether the minority group members include non-U.S. citizens or those otherwise not eligible to vote. The ethnic population in each proposed minority district has been carefully analyzed to ensure that members of the protected minority group has a reasonable opportunity to elect a Congressional representative of their choice

REGIONAL ANALYSIS OF PROPOSED CONGRESSIONAL DISTRICTS

As a result of the 1990 census count, Texas was apportioned three (3) additional Congressional seats. Because of the historical and anticipated population growth patterns, it was agreed that the new districts should be configured in such a way as to allow members of racial, ethnic, and language minorities to elect Congressional representatives. Accordingly, the three new districts include a predominantly black district drawn in the Dallas County area and predominantly Hispanic districts in the Harris County area and in the South Texas region. In addition to creating the

three new minority districts, the proposed Congressional redistricting plan increases the black voting strength of the current District 18 (Harris County) by increasing the population to assure that the black community may continue to elect a candidate of its choice. District 18 is currently represented by a black Congressman, Craig Washington; however, the population has shifted over the last ten years resulting in the current district having only 35.1% total black population and 42.2% total Hispanic population. The newly proposed District 18 contains 50.9% total black population and 15.3% total Hispanic. The Hispanic population that is currently in Dsnct 18 has been shifted to the newly proposed Hispanic District 29 which is also in Harris County.

DALLAS AND TARRANT COUNTY MINORITY DISTRICTS

One of the main areas of controversy during the redistricting process was Dallas County. In order to create the new black district in this area, the district lines had to be drastically modified from the current configuration. Under the 1980 Congressional redistricting plan, the population of Dallas County was included in two (2) districts: (1) District 5 included 22.1% total black population and 20.6% total Hispanic population. Under the 1990 census, this district's population was above the ideal population of 566,217 by 41,965 people. (2) District 24 currently includes 29.4% total black population and 21.3% total Hispanic population. Under the 1990 census, this district is overpopulated by 68,920 people. The proposed Congressional plan distributes the population of Dallas County among three (3) districts including the newly proposed black District 30. The proposed District 30 consists of 50.0% total black population and 17.1% total Hispanic population.

		CURRENT		PROPOSED	
		Black	Hispanic	Black	Hispanic
District	5	22.1%	20.6%	16.3%	17.9%
	24	29.4%	21.3%	19.1%	21.8%
	30	—	—	50.0%	17.1%

Throughout the course of the Congressional redistricting process, the lines of the proposed District 30 were constantly reconfigured in an attempt to maximize the voting strength for this black community in Dallas County. The black community leaders were in constant contact with Senator Eddie Bernice Johnson, the Chair of the Senate Subcommittee on Congressional Districts, as well as black Dallas Representatives Fred Blair, Jerald Larry and Sam Hudson. While the legislature was in agreement that a safe black district should be drawn in the Dallas County area, the real dispute involved the composition, configuration and validity of that district. The community insisted that "safe" black district be drawn that had a total black population of at least 50%. The community's demands were supported by the NAACP Voter Education Redistricting Project and the Texas State Coalition of NAACP Branches. Both of these groups submitted resolutions and position papers to each member of the Texas State Legislature.

There were many alternative proposals presented. Although some of these proposals showed a more compact configuration, none of them reached the threshold 50% total black population which the community felt was necessary to ensure its ability to elect its own Congressional representative without having to form coalitions with other minority groups. There is little evidence of coalition voting between blacks and Hispanics in Dallas County. In fact, it has been judicially noted that blacks and Hispanics generally do not form political coalitions in voting for public officials in Dallas County. The United States District Court is evaluating the Congressional redistricting plan drawn by the

67th Texas Legislature (1981) discussed the forming of a minority coalition in Dallas County:

> "... the defendants group together the black population and Hispanic population into one "minority" category, thereby demonstrating a fundamental insensitivity to the practical reality of minority politics... Coalitions between blacks and Hispanics are certainly part of the political landscape of Texas... Ethnic politics in Dallas, however, has been noteworthy for its lack of a legacy of black-brown coalitions. The testimony at trial indicated that blacks and Hispanics frequently staked out positions quite separate from blacks." Seamon v. Upham, 536 F.Supp. 931, 1001 (1982).

The proposed District 30 represents the combined input of black elected officials, black leadership in the Dallas community and other local, state and national minority interest organizations. The goal was to not only create a district that would maximize the opportunity for the black community to elect a Congressional candidate of its choice in 1992, but also one that included some of the major black growth areas which will ensure continued electoral and economic opportunities over the next decades. After much analysis, deliberation and negotiations the legislature was able to successfully meet these goals.

The creation of a safe minority district in Dallas County directly affects districts in Tarrant County and surrounding areas. Under the current Congressional configuration, the Tarrant County population is split between Districts 6, 12, and 26. (Tarrant County is not included in the current District 24.) The ethnic composition of the current and proposed districts affecting Tarrant County is as follows:

		CURRENT		PROPOSED	
		Black	Hispanic	Black	Hispanic
District	6	9.3%	9.1%	4.4%	5.4%
	12	16.3%	16.1%	8.0%	16.3%
	24	-0-	-0-	19.1%	21.8%
	26	6.5%	8.8%	4.2%	9.2%

The following percentages represent the black and Hispanic portions of the Tarrant County population in each district:

	CURRENT		PROPOSED	
	Black	Hispanic	Black	Hispanic
District 6	4.4%	4.0%	4.9%	5.3%
12	16.3%	16.1%	9.5%	18.8%
24	-0-	-0-	31.2%	12.3%
26	7.8%	7.9%	1.1%	5.1%

Although the overall percentages for minorities declined slightly, this decrease does not constitute retrogression due to the fact that there is a completely new district created in the Dallas-Tarrant County metroplex area in which minorities will have substantial electoral impact. The new minority district is the proposed District 30 as described above. The proposed District 30 includes 1,207 blacks and 564 Hispanics from Tarrant County.

The proposed Congressional redistricting plan divides the minority community in the southeast portion of Fort Worth between Districts 12 and 24. District 24 includes 73,446 blacks and 29,099 Hispanics from Tarrant County. Members of the black community expressed concern that the proposed cut dilutes the voting strength of this minority community. The specific cut was adopted from a floor amendment which was offered by Representative Garfield Thompson of Fort Worth. Representative Thompson is the only black House member from Tarrant County and currently represents the majority of this black community. The amendment places his entire House district into proposed District 24. This

amendment was adopted by the Legislature and incorporated into the final proposed Congressional plan.

An analysis of this geographic area demonstrates that even if all of the 42,732 Tarrant County blacks that are in the proposed District 12 were combined with the 108,340 total blacks in proposed District 24, the total black population in district 24 would only represent 26.7% of District 24's total population. Clearly, this would not be sufficient population to assure that a black or other minority could be elected from this district. Inceasing the total minority percentage from the 19.1% to 26.7% would not guarantee that minorities would have any greater potential for influencing the outcome of an election. In fact, such an increase would likely result in retrogression in that it would eliminate the potential for having an effective swing-vote influence in the adjacent District 12.

HARRIS COUNTY MINORITY DISTRICTS

There were several regional outreach hearings held in the Harris County area. The community expressed their desire to have a new Hispanic district drawn in this area and also raised questions regarding the effect of the undercount. The proposed "safe" minority Districts 18 and 29, as well as the proposed minority impact District 25, are the result of input from the community and from the Harris County elected officials in the Texas Legislature. Throughout the process, modifications were made to increase the percentage of Hispanics in the newly proposed district. The primary spokespersons for the Hispanic community in Harris County were State Representatives Roman Martinez and Mario Gallegos, Houston City Councilman Ben Reyes, Ms. Judith Sanders-Castro of the Mexican-American Legal Defense Fund and Mr. Marc Campos of the Southwest Voter Registration Education Project. Although there was a great deal of controversy concerning the redistricting of the Harris County Senate and House seats, neither the Congressional Subcommittee or its staff was ever presented with any

specific proposals or requests regarding the redistricting of Congressional seats. Most of the concerns had been addressed in drawing the House and Senate districts and the appropriate changes were incorporated into the proposed Congressional districts. The proposed configurations of the Harris County districts were reviewed and approved by the legislative representatives from that area.

District 29

This newly created Hispanic district consists of 10.2% total black population and 60.6% total Hispanic population. Several amendments were made during the legislative process to increase the total number of Hispanics to at least 60% of the district's total population. In drawing this district, the legislature considered requests that were made during the regional hearings and that were implemented in the proposed Senate and House districts. The Hispanic community has not raised objection to the proposed configuration of this new district.

District 18

This district was originally designed to be a predominantly black district and has been represented by notable black leaders such as former Congresswoman Barbara Jordan, the late Congressman Mickey Leland, and current Congressman Craig Washington. The current District 18 is underpopulated by 116,549 people and is made up of 35.1% total black population and 42.2% total Hispanic population. In order to increase the total population to the ideal district size, additional black population was taken from adjacent districts thereby increasing the total black population to 50.9% and decreasing the total Hispanic population to 15.3%. The remaining Hispanic population is included in the new proposed Harris County Hispanic district. These changes result in the maximization of minority voting strength for this geographical area.

EL PASO COUNTY MINORITY DISTRICT

This proposed Congressional District is entirely within El Paso County. There was no opposition to the proposed configuration. The ethnic composition is as follows:

	CURRENT		PROPOSED	
	Black	Hispanic	Black	Hispanic
District 16	3.6%	68.4%	3.6%	70.4%

SOUTH TEXAS AND BEXAR COUNTY MINORITY DISTRICTS

Due to the dramatic increase in Hispanic growth in this region of the State, it was clear that a new Hispanic seat should be drawn in the South Texas area. The affected districts include Districts 20 (Bexar County), 23, 15, 27 and the newly proposed Hispanic District 28. The drafting of these district lines was spearheaded by Senator Frank Tejeda, Vice-chair of the Senate Subcommittee on Congressional Districts. Senator Tejeda and his staff were in constant contact with the minority leadership in the South Texas (also known as the Valley) and Bexar County areas. In fact, the drafting of these districts was carefully monitored by representatives of the Mexican-American Legal Defense fund to assure that members of this Hispanic population were not unnecessarily packed in creating the new Hispanic district.

Due to the heavy concentration of Hispanics in these regions, there were no major problems concerning minority voting strength or adjustments of population numbers/percentages. Rather, the controversies were primarily focused on communities of interests disputes involving economic concerns. In fact, during one of the regional hearings in Brownsville, several witnesses testified that there were no racial issues to be considered in drawing districts in the Valley, since Hispanics make up the majority of the population there.

The ethnic composition of the South Texas and Bexar County Districts is as follows:

	CURRENT		PROPOSED	
	Black	Hispanic	Black	Hispanic
District 20	8.2%	69.7%	5.8%	60.7%
23	5.2%	59.3%	2.9%	62.5%
15	0.5%	76.9%	1.1%	74.5%
27	2.4%	66.7%	2.4%	66.2%
28	---	---	8.5%	60.4%

Texas Senate Subcommittee on
Congressional Districts Plan C657
8/24/91

POPULATION COMPOSITION
OF PROPOSED CONGRESSIONAL DISTRICTS

Congressional District 1 Jim Chapman (D)
is composed of the following whole counties: Bowie (81,665), Camp (9,904), Cass (29,982), Delta (4,857), Franklin (7,802), Harrison (57,483), Hopkins (28,833), Lamar (43,949), Marion (9,984), Morris (13,200), Panola (22,035), Red River (14,317), Rusk (43,735), Titus (24,009), Upshur (31,370), Wood (29,380) and the following split counties: Gregg (34,337), Hunt (36,069), Nacogdoches (43,306).

Congressional District 2 Charles Wilson (D)
is composed of the following whole counties: Angelina (69,884). Cherokee (41,049), Grimes (18,828), Hardin (41,320), Houston (21,375), Jasper (31,102), Liberty (52,726), Newton (13,569), Orange (80,509), Polk (30,687), Sabine (9,586), San Augustine (7,999), San Jacinto (16,372), Shelby (22,034), Trinity (11,445), Tyler (16,646), Walker (50,917) and the following split counties: Montgomery (18,722), Nacogdoches (11,447).

Congressional District 3 Sam Johnson (R)
is composed of the following split counties: Collin (135,633), Dallas (430,584).

Congressional District 4 Ralph Hall (D)
is composed of the following whole counties: Fannin (24,804), Grayson (95,021), Rains (6,715), Rockwall (25,604), Van Zandt (37,944) and the following split counties: Collin (47,376), Cooke (30,489), Dallas (8,811),

Denton (34,424), Gregg (70,611), Hunt (28,274), Kaufman (44,728), Smith (111,416).

Congressional District 5 John Bryant (D)
is composed of the following whole counties: Anderson (48,024), Freestone (15,818), Henderson (58,543), Leon (12,665), Limestone (20,946), Madison (10,931), Robertson (15,511), and the following split counties: Brazos (20,495), Dallas (315,899), Kaufman (7,492), Smith (39,893).

Congressional District 6 Joe Barton (R)
is composed of the following split counties: Dallas (13,742), Ellis (27,954), Johnson (30,145), Parker (16,436), Tarrant (477,940).

Congressional District 7 Bill Archer (R)
is composed of the following split county: Harris (566,217).

Congressional District 8 Jack Fields (R)
is composed of the following whole county: Washington (26,154) and the following split counties: Austin (15,616), Brazos (101,367), Harris (255,490), Montgomery. (163,479), Waller (4,111).

Congressional District 9 Jack Brooks (D)
is composed of the following whole counties: Chambers (20,088), Galveston (217,399), Jefferson (239,397) and the following split counties: Harris (89,333).

Congressional District 10 J. J. (Jake) Pickle (D)
is composed of the following split county: Travis (566,217).

Congressional District 11 Chet Edwards (D)
is composed of the following whole counties: Bell (191,088), Bosque (15,125), Coryell (64,213), Falls (17,712), Hamilton (7,733), Hill (27,146), Lampasas (13,521), McLennan

(189,123), Milam (22,946), Mills (4,531), San Saba (5,401) and the following split county: McCulloch (7,678).

Congressional District 12 Pete Geren (D)
is composed of the following split county: Johnson (67,020), Parker (48,349), Tarrant (450,848).

Congressional District 13 Bill Sarpalius (D)
is composed of the following whole counties: Archer (7,973), Armstrong (2,021), Baylor (4,385), Briscoe (1,971), Carson (6,576), Castro (9,070), Childress (5,953), Clay (10,024), Collingsworth (3,573), Cottle (2,247), Crosby (7,304), Dickens (2,571), Donley (3,696), Floyd (8,497), Foard (1,794), Garza (5,143), Gray (23,967), Hale (34,671), Hall (3,905), Hardeman (5,283), Hemphill (3,720), Hutchinson (25,689), King (354), Knox (4,837), Lamb (15,072), Lipscomb (3,143), Lynn (6,758), Montague (17,274), Motley (1,532), Potter (97,874), Roberts (1,025), Swisher (8,133), Wheeler (5,879), Wichita (122,378), Wilbarger (15,121) and the following split counties: Cooke (288), Denton (43,705), Lubbock (42,811).

Congressional District 14 Greg Laughlin (D)
is composed of the following whole counties: Aransas (17,892), Bastrop (38,263), Blanco (5,972), Burleson (13,625), Caldwell (26,392), Calhoun (19,053), Colorado (18,383), Fayette (20,095), Gonzales (17,205), Hays (65,614), Jackson (13,039), Lavaca (18,690), Lee (12,854), Matagorda (36,928), Refugio (7,976), Victoria (74,361), Wharton (39,955) and the following split counties: Austin (4,216), Brazoria (59,419), Travis (10,190), Waller (19,279), Williamson (26,816).

Congressional District 15 E. (Kika) De La Garza (D)
is composed of the following whole counties: Bee (25,135), Brooks (8,204), DeWitt (18,840), Goliad (5,980), Hidalgo (383,545), Karnes (12,455), Live Oak (9,556), San Patricio

(58,749) and the following split counties: Jim Wells (10,266), Kleberg (19,349), Willacy (14,138).

Congressional District 16 Ron Coleman (D)
is composed of the following split county: El Paso (566,217).

Congressional District 17 Charles Stenholm (D)
is composed of the following whole counties: Borden (799), Brown (34,371), Callahan (11,859), Coke (3,424), Coleman (9,710), Comanche (13,381), Concho (3,044), Dawson (14,349), Eastland (18,488), Erath (27,991), Fisher (4,842), Haskell (6,820), Hood (28,981), Howard (32,343), Jack (6,981), Jones (16,490), Kent (1,010), Martin (4,956), Mitchell (8,016), Nolan (16,594), Palo Pinto (25,055), Runnels (11,294), Scurry (18,634), Shackelford (3,316), Somervell (5,360), Stephens (9,010), Stonewall (2,013), Taylor (119,655), Throckmorton (1,880), Wise (34,679), Young (18,126) and the following split county: Tom Green (52,746).

Congressional District 18 Craig Washington (D)
is composed of the following split county: Harris (566,217).

Congressional District 19 Larry Combest (R)
is composed of the following whole counties: Andrews (14,338), Bailey (7,064), Cochran (4,377), Dallam (5,461), Deaf Smith (19,153), Gaines (14,123), Hansford (5,848), Hartley (3,634), Hockley (24,199), Moore (17,865), Ochiltree (9,128), Oldham (2,278), Parmer (9,863), Randall (89,673). Sherman (2,858), Terry (13,218), Yoakum (8,786) and the following split counties: Ector (84,590), Lubbock (179,825), Midland (49,936).

Congressional District 20 Henry B. Gonzales (D)
is composed of the following split county: Bexar (566,217).

Congressional District 21 Lamar Smith (R)
is composed of the following whole counties: Bandera (10,562), Burnet (22,677), Gillespie (17,204), Glasscock (1,447), Irion (1,629), Kendall (14,589), Kerr (36,304), Kimble (4,122), Llano (11,631), Mason (3,423), Menard (2,252), Real (2,412), Schleicher (2,990), Sterling (1,438) and the following split counties: Bexar (165,040), Comal (38,679), Guadalupe (38,818), McCulloch (1,100), Midland (31,453), Tom Green (45,712), Williamson (112,735).

Congressional District 22 Tom DeLay (R)
is composed of the following split counties: Brazoria (132,288), Fort Bend (177,999), Harris (255,930).

Congressional District 23 Albert Bustamante (D)
is composed of the following whole counties: Brewster (8,681), Crane (4,652), Crockett (4,078), Culberson (3,407), Dimmit (10,433), Edwards (2,266), Hudspeth (2,915), Jeff Davis (1,946), Kinney (3,119), Loving (107), Maverick (36,378), Medina (27,312), Pecos (14,675), Presidio (6,637), Reagan (4,514), Reeves (15,852), Sutton (4,135), Terrell (1,410), Upton (4,447), Uvalde (23,340), Val Verde (38,721), Ward (13,115), Webb (133,239), Winkler (8,626), Zavala (12,162) and the following split counties: Bexar (95,091), Ector (34,344), El Paso (25,393), Midland (25,222).

Congressional District 24 Martin Frost (D)
is composed of the following whole counties: Navarro (39,926) and the following split counties: Dallas (233,888), Ellis (57,213), Tarrant (235,190).

Congressional District 25 Mike Andrews (D)
is composed of the following split counties: Fort Bend (47,422), Harris (518,795).

Congressional District 26 Richard Armey (R)
is composed of the following split counties: Collin (73,977), Dallas (292,668), Denton (195,396), Tarrant (4,176).

Congressional District 27 Solomon Ortiz (D)
is composed of the following whole counties: Cameron (260,120), Kenedy (460), Nueces (291,145) and the following split counties: Kleberg (10,925) and Willacy (3,567).

Congressional District 28 (NEW DISTRICT)
is composed of the following whole counties: Atascosa (30,533), Duval (12,918), Frio (13,472), Jim Hogg (5,109), La Salle (5,254), McMullen (817), Starr (40,518), Wilson (22,650), Zapata (9,279) and the following split counties: Bexar (359,046), Comal (13,153), Guadalupe (26,055), Jim Wells (27,413).

Congressional District 29 (NEW DISTRICT)
is composed of the following split county: Harris (566,217).

Congressional District 30 (NEW DISTRICT)
is composed of the following split county: Collin (7,050), Dallas (557,218), Tarrant (1,949).

Plaintiff's Exhibit 6E1
Letter regarding
split-precincts in Harris County

Dated November 2, 1991

November 2, 1991

FEDERAL EXPRESS

Mr. John Dunne
Chief, Voting Section
Civil Rights Division
Department of Justice
P. O. Box 66128
Washington, D. C. 20035-6128

Re: State of Texas Congressional and Legislative Redistricting Plans; Comment under Section 5 of the Voting Rights Act

Dear Mr. Dunne:

The redistricting plans submitted by the State of Texas for congressional, state senatorial and state representative districts create unprecedented problems for Harris County, Texas in the drawing of voting precincts. The Commissioners Court of Harris County, which is responsible for drawing voting precincts, is concerned that the problems created by the redistricting plans may have an adverse affect on voter turnout, particularly in minority areas. Enclosed is a summary of the problem and a request for consideration. Please consider these comments in your review of each of the three plans. I am providing extra copies of this correspondence for that purpose.

Please call me if you have any questions in this regard. Thank you for your consideration of these matters.

Sincerely,

/s/
Rex D. VanMiddlesworth
Attorney for
Commissioners Court of
Harris County, Texas

THE EFFECT OF REDISTRICTING IN HARRIS COUNTY—VOTER CONFUSION AND NEEDLESS EXPENSE

I. Summary

The creation of new congressional, state senatorial and state representative districts in Harris County has raised unprecedented difficulties in preparing for the next county-wide election. Because state law requires that separate election precincts be created for each contiguous geographical area in which there is a different combination of congressional, state senatorial and state representative districts, Harris County, is faced with finding polling places and election officials for over 200 precincts that contain no public buildings and few, if any, registered voters. In addition, numerous existing precincts will be splintered so that voters who have historically all gone to one church or school to cast their votes will now be scattered to as many as nine different locations. Such a system will lead to voter confusion and decreased voter participation. The problem is most severe in areas with substantial minority populations, and it will inevitably make it more difficult for minority voters to exercise their franchise.

II. The 1991 Redistricting Process

The Texas legislature has recently adopted new district lines for congressional, state senatorial and state representative districts to account for population shifts reflected in the 1990 census.[1] District lines have been drawn to achieve certain policy objectives, including the creation of

[1] All three redistricting plans have been submitted to the United States Department of Justice for preclearance. As of this writing, the Justice Department has not issued its decision on any of the plans. In addition, litigation is pending both in Washington, D.C. and in Austin, Texas regarding all three plans.

districts in which racial and language minorities may have a substantial impact on elections. This has resulted in a number of oddly-shaped, sprawling districts. It should be emphasized that Harris County does not object to the policy objectives behind the legislature's redistricting plans, nor does it object to the creation of electoral districts that further these objectives. The difficulty lies in the fact that the congressional, state senatorial and state representative districts were drawn without any apparent regard for each other. There has been no attempt to coordinate the three plans. Thus, the dividing line for two congressional districts may be parallel to and a block away from the dividing line for two state senatorial districts, which may in turn be a block or two away from the dividing line for two state representative districts. The result is a crazy-quilt precinct pattern.

III. Drawing Precinct Lines in Harris County

The Texas Election Code requires that no county election precinct contain territory from more than one of each of the following districts:

1. a county commissioners precinct;
2. a justice precinct;
3. a congressional district;
4. a state representative district;
5. a state senatorial district;
6. a ward in a city with a population of 10,000 or more; or
7. a state Board of Education district.

Tex. Elec. Code Ann. § 42.005(a) (Vernon Supp. 1991). Thus, the initial step in establishing election precincts is to compare the district lines for each type of office to determine every contiguous geographical area that will have a unique

ballot. Each such geographical area must be a separate election precinct.[2]

Historically, census data has not been broken down beyond the census tract level. The data collected during the 1990 census, however, enabled the Bureau of the Census to identify the location of racial and language groups on a block-by-block basis. In redrawing congressional, state senatorial and state representative district lines, therefore, the Texas legislature this year was able to create minority impact districts by cutting across traditional neighborhood and election precinct boundaries to group together individual blocks with high concentrations of minority residents. Thus, a neighborhood that had traditionally been a part of a single state representative district may now be split into three or four districts. The same phenomena has occurred with congressional and state senatorial lines, and there has been no attempt to coordinate the line-drawing for the various districts. For example, one state representative district (the smallest of the three types of districts) extends into five of Harris County's six senatorial districts and three separate congressional districts, creating a minimum of sixty-eight precincts. As a result of the proposed redistricting plans, the number of different ballot combinations in Harris County has gone from 142 in the 1990 general election to 366, an increase of more than 250%. Under these plans, Harris County is faced with an unprecedented number of small "pocket precincts"[3] and a patch-work precinct scheme that

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[2] Some such geographical areas will necessarily be divided into several election precincts. State law requires that there be no more than 3,000 registered voters in any one precinct. Tex. Elec. Code Ann. § 42.006 (Vernon Supp. 1991).

[3] For purposes of this memorandum, the term "pocket precinct" refers to those election precincts with less than 100 voters. This is not meant to imply that a precinct of 100 voters is satisfactory from an administrative standpoint. Such a precinct still creates substantial administrative difficulties and the potential for voter confusion.

will be confusing to voters and virtually impossible to administer.

Under the current redistricting plans, Harris County would be required to create at least 240 precincts with less than 100 registered voters. Of these 240 precincts, 141 have less than twenty voters and sixty-two currently have no registered voters whatsoever. In addition, Harris County, which currently has 672 election precincts, would be required to administer an election with over 1000 precincts. In each precinct, no mater how small, a handicapped-accessible polling place must be found or built, voting machines must be delivered, election judges from within the precinct and election clerks must be appointed, and various controls to maintain the security of the election must be implemented. In many of the newly created precincts, there are no public buildings in which an election could be held.

Attachment "A" hereto is a map of the currently-existing Harris County Precinct 607. As can be seen from that map, residents of Precinct 607, who formerly voted at Frost Elementary School, will now have to vote in nine different precincts. One of the precincts would contain only seven registered voters. A voter in Precinct 607 who makes the mistake of going to the place where he has voted for the past ten years will be turned away. In order to exercise his right to vote, he will be required to find the proper polling place among the eight new polling places in Precinct 607. That voter, his neighbors across the street, those one block north of him, and those one block south of him may all be directed to different polling places, some of which may be in private residences or temporary buildings. It is certainly foreseeable that some voters may venture to several of the polling places in their neighborhood before finding the proper location, giving up, or running out of time. The confusion will inevitably discourage a large number of

voters. As with many of the badly splintered precincts, Precinct 607 has a heavy concentration of minority voters.

Obviously, this is not the first time that redistricting has caused changes in precinct lines, and Harris County does not object to making necessary changes. However, there has never before been a wholesale breaking down of existing precincts into small pockets. Unfortunately, the fractionalization is most severe in areas in which there are substantial minority populations, and the likely effect will be to discourage minority voting.

The problems involved in the establishment of new precincts are not merely administrative difficulties. Rather, they are problems of a constitutional dimension. The United States Supreme Court has held that the location, prominence and accessibility of polling places directly affect a person's right to vote, implicating guarantees protected by the United States Constitution and the Voting Rights Act. The Court stated:

> The abstract right to vote means little unless the right becomes a reality at the polling place on election day. The accessibility, prominence, facilities, and prior notice of the polling place's location all have an effect on a person's ability to exercise his franchise.

Perkins v. Matthews, 400 U.S. 379, 387, 91 S. Ct. 431, 436 (1971); see also Brown v. Dean, 555 F. Supp. 502 (D.R.I. 1982). Harris County is concerned that the election precinct configuration resulting from the proposed redistricting plans may adversely affect voters' ability to exercise their franchise to such an extent that it violates the United States Constitution and the Voting Rights Act.

IV. The Remedy

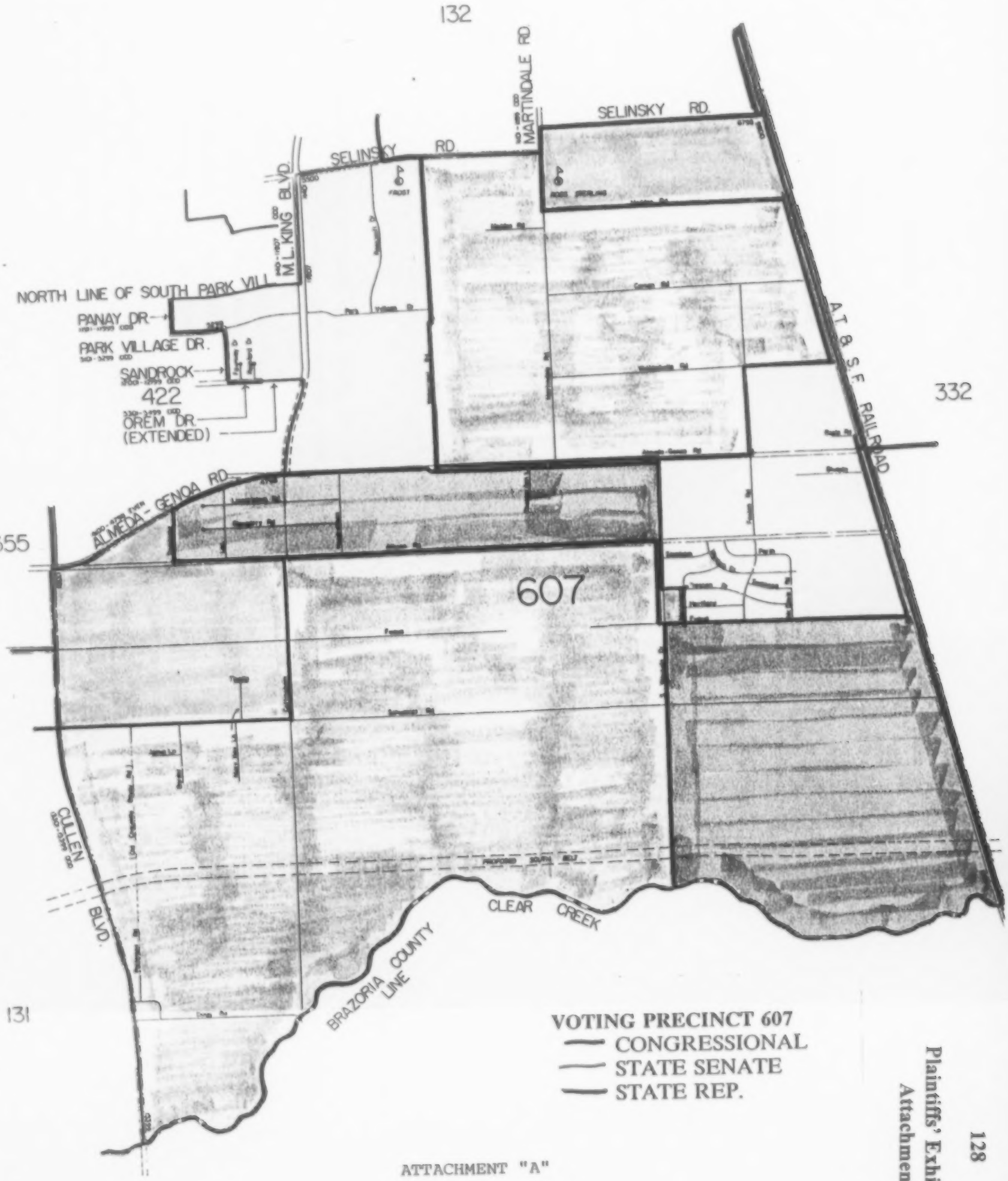
If there is to be any redrawing of congressional, state senatorial or state representative district lines, it should be done with an eye toward minimizing voter confusion. A large number of pocket precincts could be eliminated with little or no impact on the composition of the affected districts. Harris County requests that the Department of Justice and the federal courts considering the Texas Legislature's redistricting proposals attempt to coordinate any redrawing of the district lines to eliminate unnecessary fractionalization of election precincts. Harris County also asks that it be permitted to work with the various parties to address the problem in a responsible way.

A second alternative (in the event that there is no redrawing of congressional, state senatorial or state representative district lines) would be to permit Harris County to combine precincts so that residents of an area could all go to the same public building to vote. Separate voting machines and ballot cans could be made available at that voting place for residents of each geographical area in which there is a unique ballot. While this system will require the election judges to exercise care to make sure that each voter gets the right ballot, it will at least make it feasible to administer the election in a rational way. Harris County would not be faced with finding buildings and election judges for precincts of less than 20 registered voters. At present, such a combination of precincts is prohibited by State law, and Harris County would require judicial authorization to combine precincts.

V. Conclusion

It is ironic that the efforts of the Texas legislature to create districts that comply with the equal protection clause and the Voting Rights Act have resulted in a system which

will inevitably discourage minority voting in the state's largest urban area. In some cases, voters will be asked to locate the proper voting place from among as many as nine voting places that have sprung up in their existing precinct. Further, many of these voting places will be in obscure locations because of the absence of public buildings. Obviously, this result was neither foreseen nor intended at the time that the districts were created. Nonetheless, it is a real problem and it must be remedied. Harris County requests that steps be taken in order to minimize voter confusion and to allow the election to go forward under a workable precinct system.



ATTACHMENT "A"

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Plaintiffs' Exhibit 6E1
Attachment A

Plaintiffs' Exhibit 013D

Data for 1991
Redistricting in Texas

Prepared by the Staff
of the
Texas Legislative Council

Published by the
Texas Legislative Council
Austin, Texas

Lieutenant Governor Bob Bullock, Chairman
Speaker Gibson D. (Gib) Lewis, Vice-Chairman
Robert I. Kelly, Executive Director
June 1992

INTRODUCTION

Data

Three basic types of data are used in the redistricting process: population, geographic, and election data. This publication describes the different data that the Texas Legislative Council provides for redistricting, reviews the methods used to produce the data, and gives a brief explanation of factors to keep in mind when using the data. It also describes how access to the data is provided.

The population data is from the 1990 unadjusted decennial census and includes total population and voting age population by race and ethnicity for the state and for counties, census tracts, census blocks, and voting tabulation districts (VTDs).

The geographic data includes the geographic boundaries of the state and of counties, census tracts and block numbering areas (BNAs), and census blocks provided by the census bureau, 1984-1990 county voting precincts provided by the secretary of state and county officials, and VTDs, which are groupings of census blocks that approximate, as nearly as possible, county voting precincts. VTDs were derived by council staff in a project sponsored by the census bureau to provide the link between population data, which is reported by census block, and election data, which is reported by voting precinct.

The election data includes information about candidates and election returns, voter registration, and voter turnout compiled by the legislative council from material provided by the secretary of state and county and city election officials.

Redistricting data is available to members of the legislature and their staffs and sponsored interest groups through the redistricting computer systems in members' Capitol offices or through the Texas Legislative Council offices in the John H. Reagan Building. Maps and reference materials may be obtained through council offices and the document distribution offices of both houses. Data prepared for the redistricting project is available in electronic format from the State Data Center. Charges for the data are determined by costs of reproduction and of any special processing required.

Information about specific district proposals is available only after the author of the proposal makes it public. Council staff places the same high priority on protecting the confidentiality of all redistricting proposals as is afforded bill drafts.

Computer System

The redistricting computer system for the Texas Legislature has four major components: the Population Analysis System (PAS), a simple district modeling application that is available in members' Capitol offices; REDAPPL, a sophisticated graphic district modeling application that is available on workstations in the council redistricting offices; and the Plan Analysis Report system (PAR), a tool for producing detailed reports and the map production system, MAPS, which are operated by council staff to produce paper reports and maps on request.

The legislative redistricting computer system is available to all members of the legislature and their staffs and to groups and individuals sponsored by members of the legislature.

[18]

* * * *

Spanish Surname Voter Registration

The following Spanish surname voter registration data has been collected for the redistricting project. Not all collected data has been computerized, for reasons discussed below.

1. 1984 elections—from report compiled by the secretary of state on January 7, 1984; not computerized.

2. 1986 elections—from report compiled by the secretary of state on July 25, 1986; not computerized.

3. 1988 elections—from report compiled by the secretary of state on July 17, 1988.

4. 1989 city elections—from report compiled by the secretary of state on November 3, 1989.

5. 1990 primaries—from report compiled by the secretary of state on March 30, 1990.

6. 1990 general election—from report compiled by the secretary of state on November 1, 1990.

The number of registered voters with Spanish surnames is available from a computer comparison of names on the State Master File of Registered Voters maintained by the secretary of state with a list of Spanish surnames compiled by the census bureau. Except for this estimate of Hispanic voter registration, the number of Hispanic or Black registered

voters is not available from any official source and must be derived from collected data.

The reports of total and Spanish surname voter registrations provided by the secretary of state for 1984-1989 were compiled at various times during those years and not in association with any election. In 1990, Spanish surname voter registration reports were produced in March and November to correspond to the times of the 1990 elections.

The Spanish surname reports for 1984 and 1986 showed major discrepancies between the voter registration totals for counties and precincts reported from the secretary of state's master file and those reported by counties. The lists of precincts in the voter registration reports from the two sources also showed significant differences. For these reasons, Spanish surname voter registration information for 1984 and 1986 is not included in TED. The secretary of state began working to reconcile state master file and county registration statement discrepancies in 1987. Although substantial differences still remained in the precinct lists and the voter registration totals in 1988, the 1988 Spanish surname data for valid voting precincts is included in TED. Continued work by the secretary of state has further improved the data for 1990. Although problems still exist, the 1990 voter registration reports from the two sources correlate more closely in their total voter registration and lists of voting precincts. Reports documenting problems are on file in council offices.

While most knowledgeable sources agree that the match between people who have Spanish surnames and those wh.. consider themselves Hispanic is relatively good in Texas (a census bureau comparison in 1984 indicated that there was a 90 percent correlation for the state), the reported numbers for Spanish surname voters are not a precise measure of Hispanic voter registration. Some people consider

themselves Hispanic but do not have surnames that are included in the Spanish surname file. These will be missed by the Spanish surname match estimating technique. Some people have surnames that are included in the Spanish surname file but do not consider themselves Hispanic. These people will be incorrectly counted as Hispanic registered voters. The technique of estimating Hispanic voter registration through a Spanish surname match with the secretary of state's master file may result in a net undercount of Hispanic registered voters of about 10 percent statewide. No attempt was made to correct the net undercount because there is insufficient data to estimate the relative undercount for different counties or subcounty areas, and it is unlikely that the error rates are uniform across the state.

The voter registration totals on the state master file do not match the totals on the county voter registration reports, which are considered by election officials to be more accurate. Council staff applied the percentage of voters with Spanish surnames derived from the state master file to the county voter registration totals to calculate Spanish surname voter registration totals for PAR reports, but the data appears in TED as it was reported. As a result, differing total voter registration figures obtained from the two sources are found in TED.

[22]

* * * *

Allocation of Data to Split VTDs

Because so many of the district proposals considered by the legislature split VTDs, some data in PAR is reported both for that part of the district made up of whole VTDs and for all areas in a district. To estimate data for split VTDs, the data is allocated to the block level on the basis of voting age population and is then reaggregated to the part of the VTD in the district. The data is not reported by split VTD, but only as a part of the whole district total.

For votes, total voter registration, and turnout, allocation is based on the percentage of the total voting age population of the split VTD that is in the district according to the following formula: for each split VTD, the total voting age population that is both in the VTD and in the district is divided by the total voting age population in the VTD, and the result is multiplied by the total votes cast for each candidate, total voter registration, or total turnout in the VTD. The underlying assumption in this formula is that voting and registration patterns in different parts of a VTD are the same. If VTDs were split to select areas that are known or assumed to have different voting or registration patterns, the allocation can result in misleading information. To illustrate, a new congressional district with more than 50 percent Black population was created in Dallas County by splitting VTDs and selecting blocks with high Black populations. Allocation of election data to these blocks, however, is made on the basis of total voting age population. Blocks with the same number of voting age people will be allocated the same number of votes for each candidate, the same number of registered voters, and the same turnout, even when one block is predominantly Black and the other is

predominantly Anglo. The allocation will be made as if minority and Anglo voting and registration patterns are the same, regardless of whether blocks are selected for exclusion or inclusion in a district on the presumption that minority and Anglo voting or registration patterns are different.

Because 1990 Spanish surname voter registration is available, special calculations are made to allocate 1990 voter registration to split VTDs. Spanish surname and non-Spanish surname voter registration figures are calculated first. Spanish surname voter registration is then allocated according to the following formula: Hispanic voting age population that is both in the VTD and in the district is divided by the Hispanic voting age population in the whole VTD and the result is multiplied by the Spanish surname voter registration in the VTD to give the Spanish surname voter registration for that part of the VTD in the district. The non-Spanish surname voter registration is then allocated according to the following formula: non-Hispanic voting age population that is both in the VTD and in the district is divided by non-Hispanic voting age population in the whole VTD and the result is multiplied by the non-Spanish surname voter registration in the VTD to give the non-Spanish surname voter registration for that part of the VTD in the district. The two totals (Spanish surname and non-Spanish surname voter registration) are then added to give the total voter registration in the part of the VTD that is in the district.

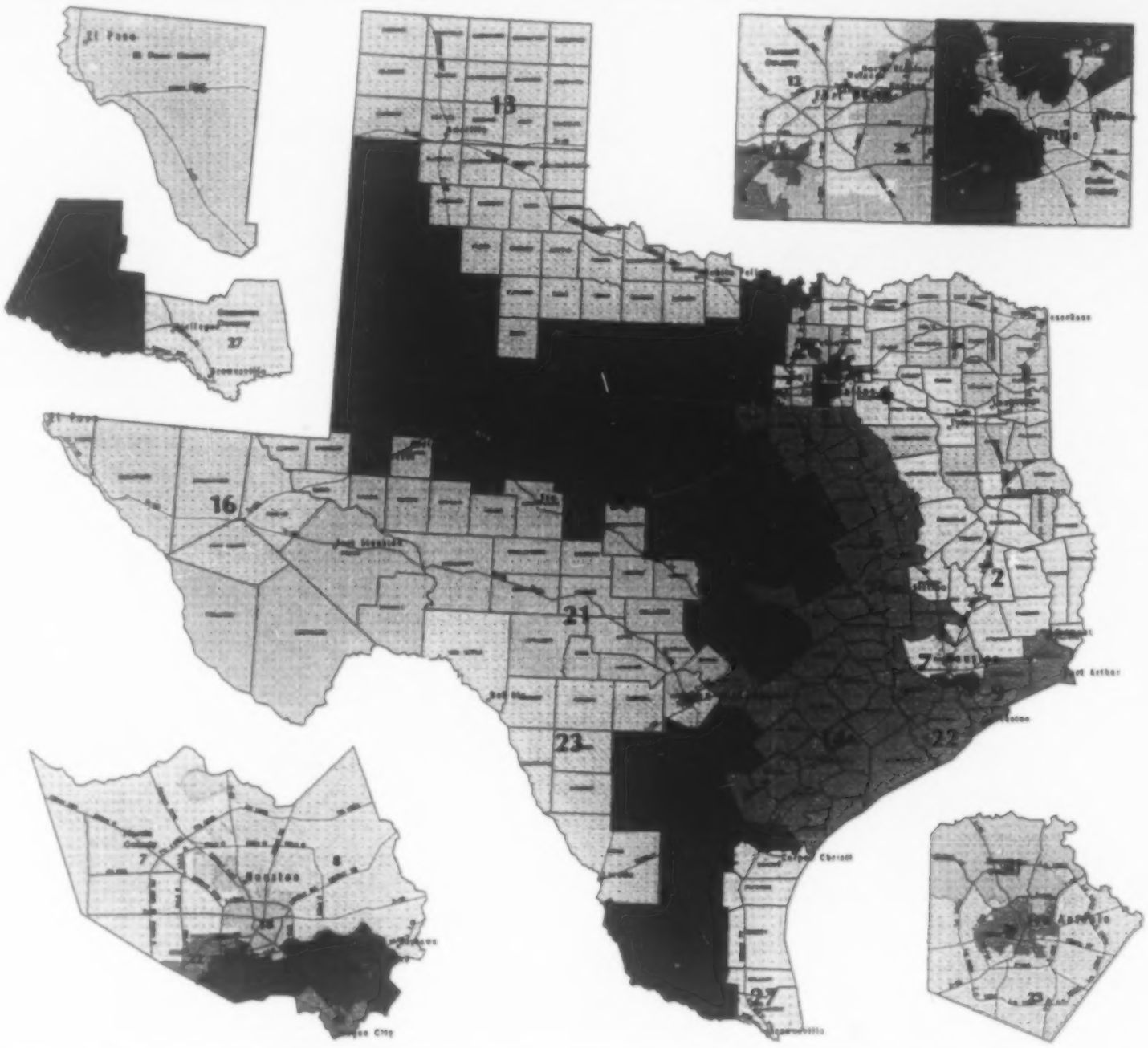
Plaintiff's Exhibit 14K

TABLE 7

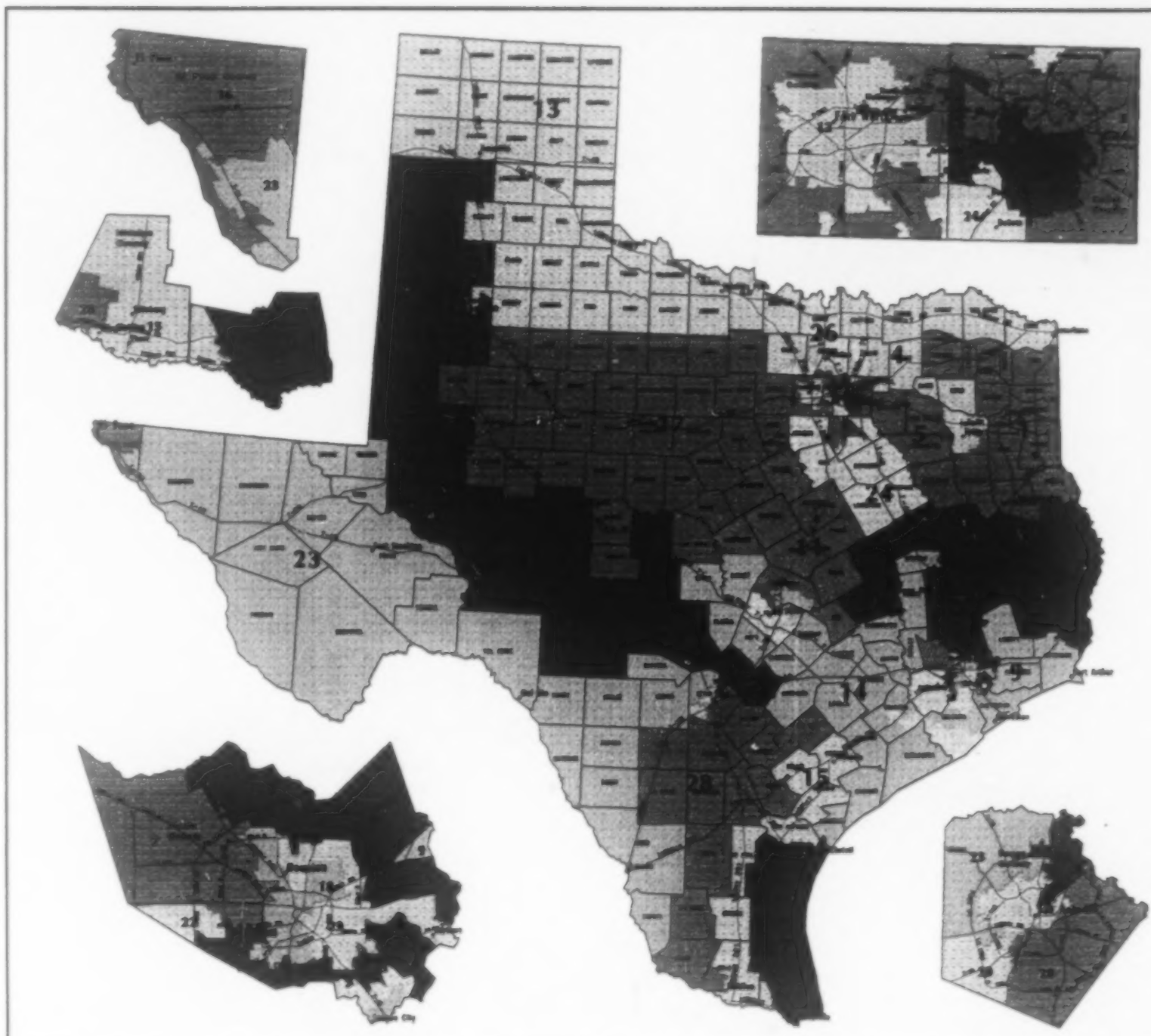
AFRICAN-AMERICAN SUCCESS IN TEXAS
LEGISLATIVE DISTRICTS
BY PERCENT BLACK, 1983 - 1992

Year	50% +	45-49.9	40-44.9	35-39.9	30-34.9
1983	100% (10)	50% (2)	--	50% (4)	50% (2)
1985	100 (10)	50 (2)	--	50 (4)	50 (2)
1987	100 (9)	100 (3)	--	50 (4)	50 (2)
1989	100 (9)	100 (2)	100 (1)	75 (4)	50 (2)
1991	100 (10)	100 (1)	100 (2)	67 (3)	50 (2
1983-91	100 (48)	80 (10)	100 (3)	58 (19)	50 (10)

Plaintiffs' Exhibit 28A



Plaintiffs' Exhibit 29A



TEXAS
Proposed Congressional Districts
(PLANC500)

1990 Census Population Totals

District	Total	Anglo	Percent of total: Black	Hispanic	Amer	Other
1	565,530	70.9	10.4	4.0	13.5	0.6
2	565,011	77.0	14.6	7.0	01.6	1.4
3	565,402	78.2	6.7	10.9	17.4	4.4
4	565,021	01.0	13.3	4.0	17.3	1.0
5	567,151	06.0	12.3	17.9	00.4	3.0
6	565,027	00.4	0.1	0.3	14.3	3.3
7	566,040	71.7	7.1	10.5	13.4	4.0
8	565,700	01.0	7.7	0.5	10.4	1.0
9	567,107	00.5	00.3	0.4	01.4	2.0
10	565,734	04.9	11.0	01.0	04.0	3.0
11	565,004	70.1	10.0	10.3	07.0	1.0
12	566,507	75.0	0.0	10.0	04.4	2.0
13	566,040	73.0	7.5	17.1	04.3	2.0
14	565,003	00.5	10.7	10.0	00.4	1.2
15	566,000	00.0	1.4	70.3	73.0	0.0
16	566,004	00.2	3.0	00.7	70.3	1.4
17	566,000	00.1	3.1	14.0	17.0	0.0
18	566,304	30.1	46.0	20.0	07.1	0.0
19	565,000	70.0	3.4	20.0	00.3	1.1
20	565,000	31.0	7.1	00.3	07.1	1.0
21	565,030	71.0	4.3	20.0	27.0	1.0
22	566,074	70.0	7.0	10.0	03.4	0.0
23	566,013	34.0	1.0	00.0	04.3	1.0
24	566,074	00.4	10.2	0.4	00.4	2.3
25	566,407	00.4	04.7	10.0	44.0	0.0
26	565,404	00.4	4.1	0.3	10.4	3.2
27	566,000	30.7	2.0	00.1	00.4	0.0
28	566,401	34.1	0.2	00.0	00.0	1.0
29	566,271	37.0	13.1	47.0	00.1	2.0
30	566,423	31.0	04.0	00.0	00.0	1.7

LEGEND

County Boundaries

Proposed Districts 99

PLANC500
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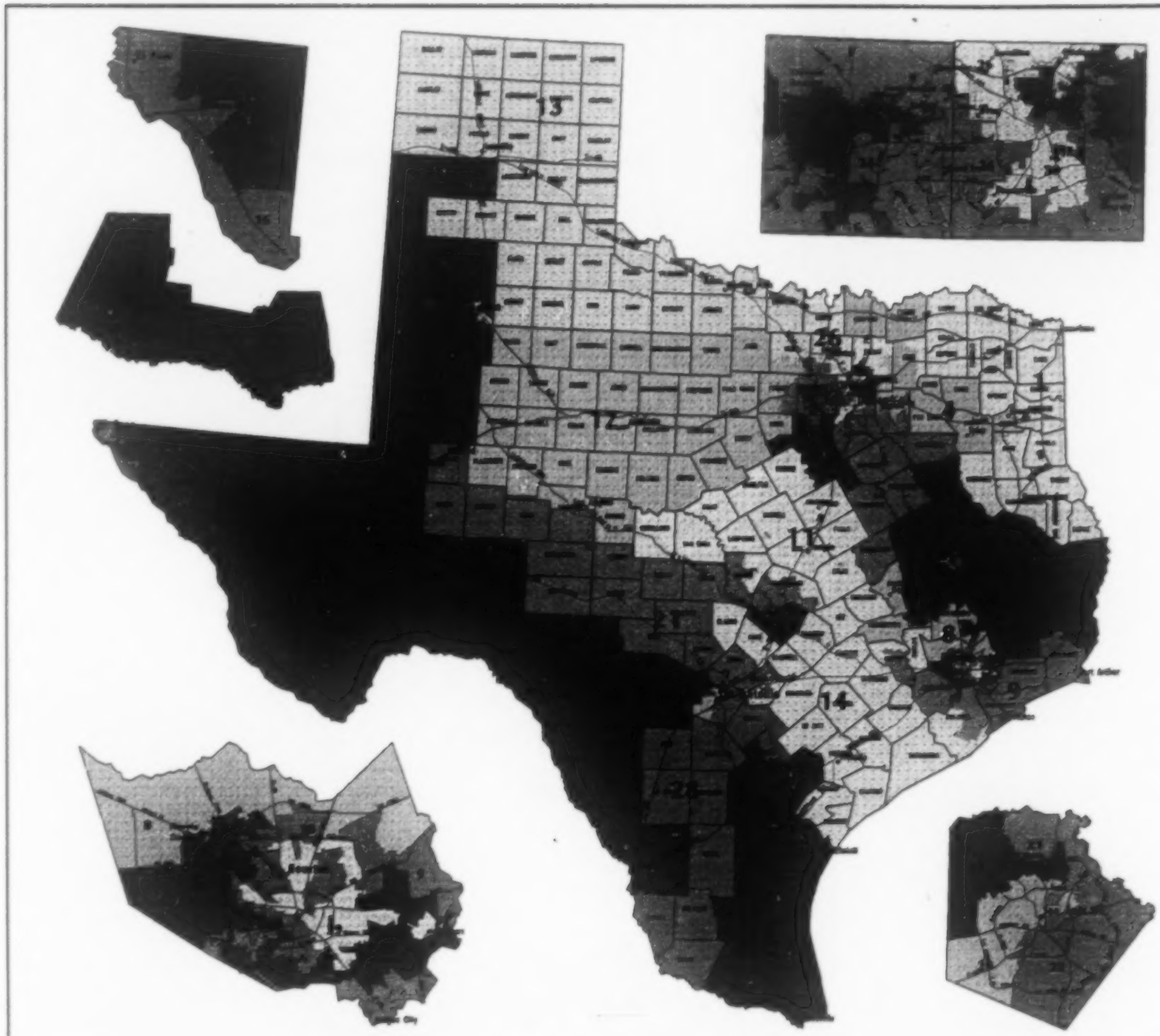
TEXAS LEGISLATIVE COUNCIL

Plaintiffs's Exhibit 31A



TEXAS
Proposed Congressional Districts
(PLANC325)

1990 Census Population Totals

District	Total	Anglo	Black	Hispanic	Amer.	Other
		percent of total				
1	566,217	77.4	18.8	3.3	21.8	6.7
2	566,217	77.8	19.8	5.8	20.8	6.7
3	566,217	80.5	4.8	8.3	11.0	3.5
4	566,217	84.8	12.9	4.8	17.3	5.8
5	566,217	64.8	18.0	17.8	33.1	8.3
6	566,217	80.8	3.8	9.4	8.9	2.8
7	566,217	75.8	8.3	13.3	18.3	6.7
8	566,217	83.8	8.3	8.4	14.8	2.3
9	566,217	80.3	88.4	9.4	33.8	2.2
10	566,217	84.9	11.1	81.4	38.2	3.8
11	566,217	80.8	18.8	18.8	88.8	1.8
12	566,217	78.8	8.4	18.4	88.7	2.3
13	566,217	73.4	7.4	17.8	84.8	1.8
14	566,217	64.8	11.8	88.8	34.2	8.8
15	566,217	88.8	8.8	78.8	77.4	8.8
16	566,217	88.1	3.8	78.2	73.8	1.2
17	566,217	88.8	3.2	18.3	18.8	8.8
18	566,217	38.8	88.3	17.8	87.3	3.1
19	566,217	71.8	3.8	23.8	88.8	1.2
20	566,217	88.1	8.4	88.2	88.2	1.8
21	566,217	78.8	3.8	18.8	88.3	1.2
22	566,217	88.2	7.8	18.1	88.7	7.1
23	566,217	37.8	1.8	88.8	81.3	1.2
24	566,217	88.8	88.1	21.8	48.8	3.2
25	566,217	82.7	88.7	18.1	48.1	4.1
26	566,217	88.3	4.3	7.1	11.2	3.8
27	566,217	88.7	3.8	88.1	88.4	8.8
28	566,217	81.3	8.7	88.8	87.8	1.8
29	566,217	31.8	18.8	88.7	88.3	2.2
30	566,217	88.3	48.3	18.8	81.2	2.8

LEGEND

County Boundaries

Proposed Districts 99

PLANC325
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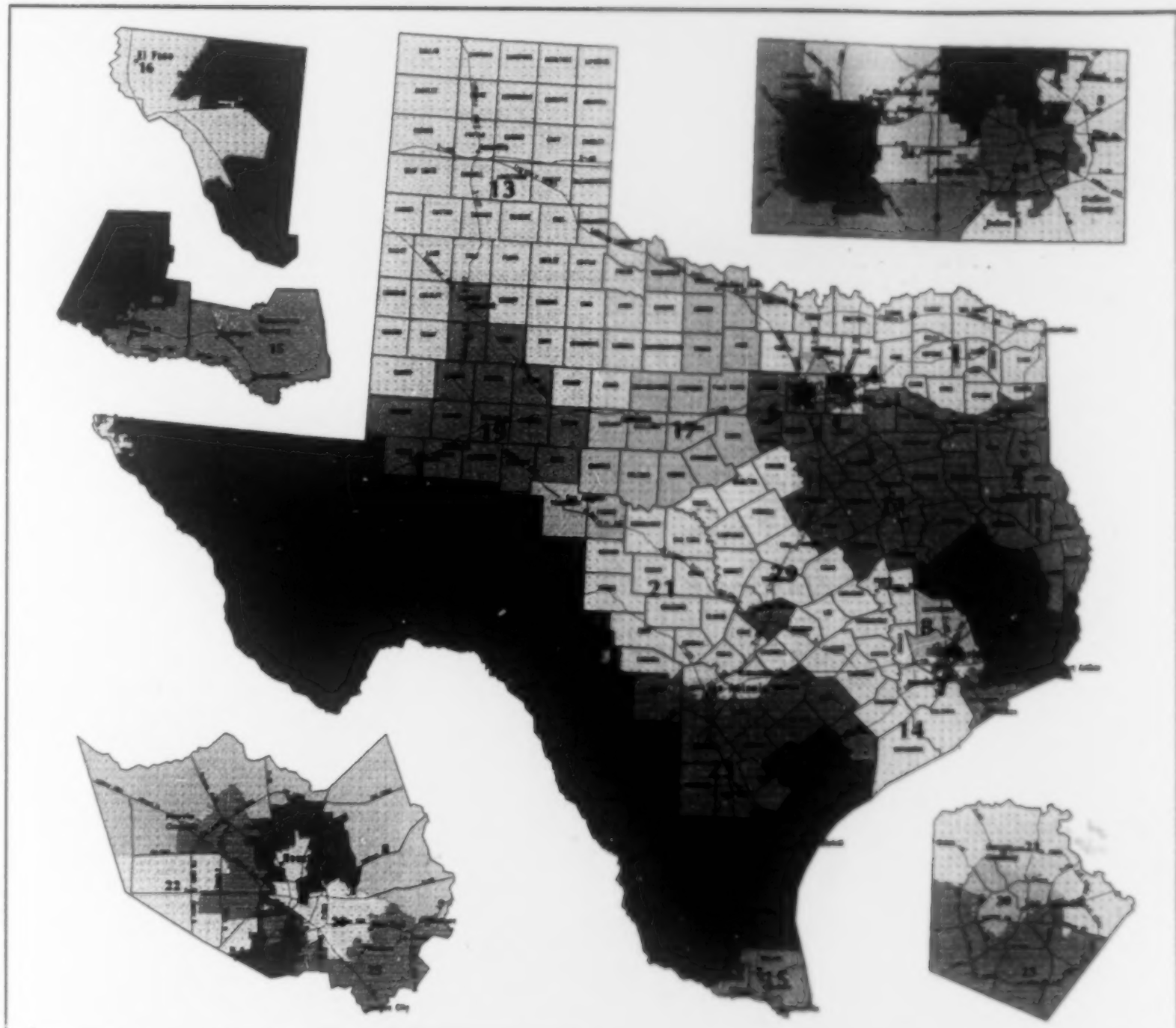
TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit
32A(1)



TEXAS
Proposed Congressional Districts
(PLANC606)

1990 Census Population Totals

District	Total	Anglo	Black	Hispanic	Other
1	566,770	50.7	42.4	3.1	3.8
2	566,479	74.3	20.0	4.6	1.1
3	566,701	79.1	9.8	11.0	4.4
4	566,428	85.9	4.9	7.1	2.0
5	566,466	79.0	11.1	10.6	3.3
6	566,139	80.7	8.7	8.0	2.7
7	566,833	76.1	7.9	13.1	2.9
8	566,178	81.8	7.1	8.9	2.2
9	566,788	73.3	20.0	4.8	1.9
10	566,788	80.8	11.1	6.4	1.7
11	566,377	76.7	18.3	4.4	0.7
12	566,130	88.8	10.4	0.8	0.4
13	566,328	72.7	3.0	23.0	1.3
14	566,521	78.0	12.0	7.5	2.5
15	566,604	19.6	0.3	80.0	0.1
16	567,101	28.0	3.1	68.0	0.9
17	566,439	58.3	9.0	32.0	0.7
18	566,469	28.1	70.0	1.8	0.1
19	566,127	88.0	8.1	3.0	0.9
20	567,870	38.4	4.7	56.0	0.9
21	566,740	73.0	6.1	20.7	0.2
22	566,570	56.4	14.8	27.8	1.0
23	566,870	57.0	6.8	35.3	0.9
24	566,288	84.4	6.6	8.3	0.7
25	566,760	87.0	10.4	2.3	0.3
26	566,160	80.8	0.8	0.5	0.3
27	567,870	66.1	3.6	30.3	0.1
28	566,881	28.7	10.4	60.8	0.1
29	566,988	73.8	10.7	14.1	1.4
30	566,480	18.8	1.0	79.6	0.6

LEGEND

County Boundaries
Proposed Districts 99

PLANC606
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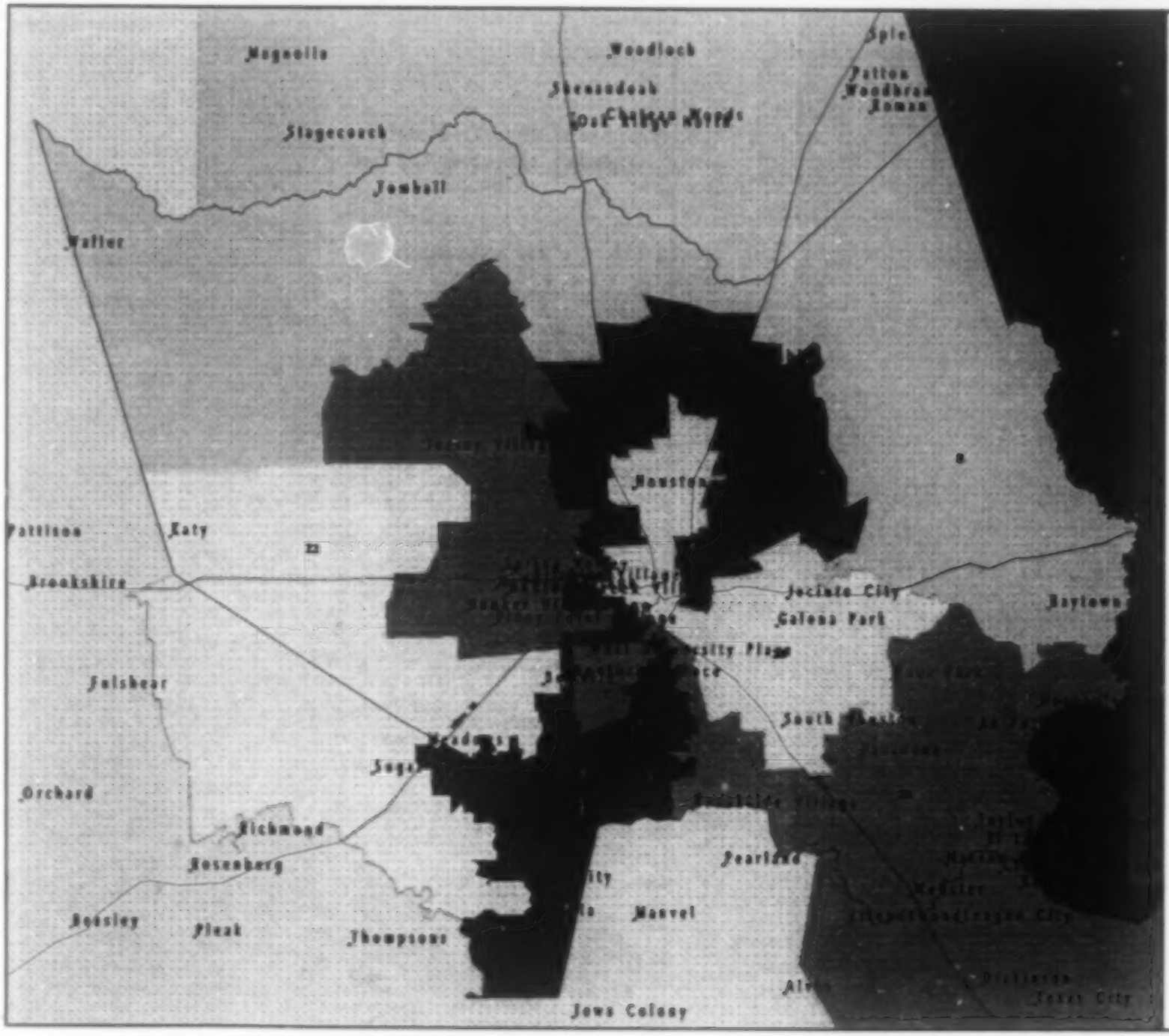
TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit 32A(2)

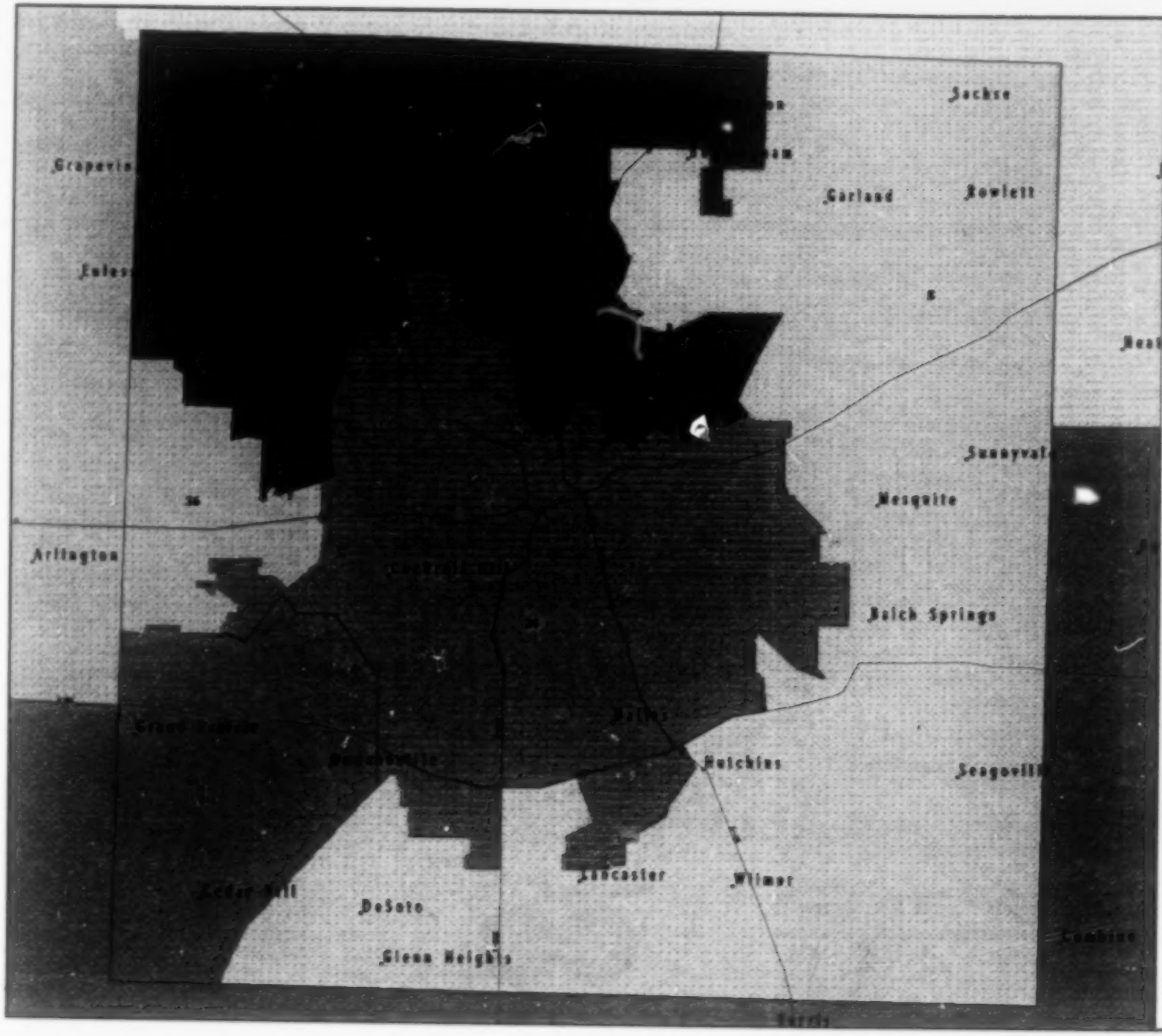


HARRIS COUNTY
Proposed Congressional Districts
(PLANC606)

1990 Census Population Totals

District	Total	<——percent of total——> Black	Hispanic	B&H	Other
1	566,776	12.4	3.1	15.4	0.9
2	565,479	20.5	4.6	25.0	0.7
3	566,301	5.8	11.8	17.4	4.4
4	566,028	4.5	7.1	11.5	3.0
5	566,496	11.1	10.6	21.5	3.5
6	566,134	6.7	8.0	14.6	1.7
7	566,933	7.9	17.1	24.8	5.1
8	565,175	7.1	9.5	16.5	1.7
9	566,755	20.6	4.8	25.2	1.5
10	566,760	11.1	21.4	32.1	3.2
11	565,377	16.3	8.4	24.5	0.7
12	566,132	18.4	16.9	35.1	2.4
13	565,325	3.9	22.2	25.9	1.3
14	566,521	12.9	17.5	30.1	1.7
15	566,804	0.3	83.6	84.0	0.5
16	567,151	3.7	69.2	72.7	1.4
17	566,235	5.0	13.5	18.4	1.3
18	565,229	53.0	16.1	68.3	2.6
19	566,127	6.1	24.9	30.8	1.3
20	567,070	4.7	55.5	60.0	1.6
21	566,749	4.1	20.7	24.6	1.4
22	565,373	14.6	17.8	32.0	9.6
23	565,970	8.9	53.3	61.8	0.9
24	566,298	45.6	29.2	73.9	1.7
25	565,762	16.2	13.2	29.1	3.6
26	566,102	6.0	9.0	14.9	3.5
27	567,072	3.8	51.2	54.8	1.1
28	565,361	12.2	52.9	64.5	1.8
29	566,560	12.7	14.1	26.3	2.0
30	566,455	1.0	79.0	79.9	0.6

Plaintiffs' Exhibit 32A(3)



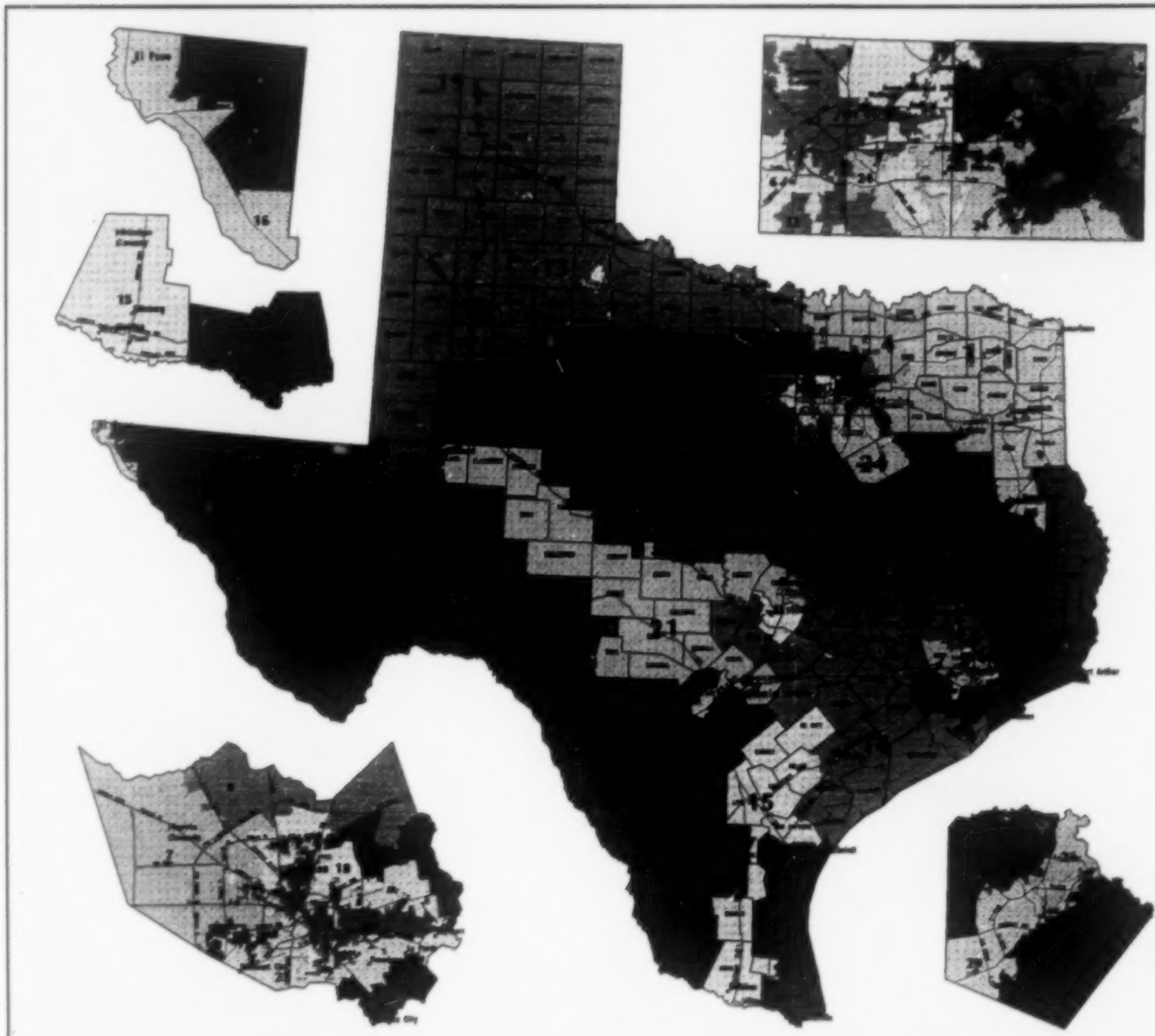
DALLAS COUNTY
Proposed Congressional Districts
(PLANC606)

1990 Census Population Totals

District	Total	<——percent of total——> Black	Hispanic	B&H	Other
1	566,776	12.4	3.1	15.4	0.9
2	565,479	20.5	4.6	25.0	0.7
3	566,301	5.8	11.8	17.4	4.4
4	566,028	4.5	7.1	11.5	3.0
5	566,496	11.1	10.6	21.5	3.5
6	566,134	6.7	8.0	14.6	1.7
7	566,933	7.9	17.1	24.8	5.1
8	565,175	7.1	9.5	16.5	1.7
9	566,755	20.6	4.8	25.2	1.5
10	566,760	11.1	21.4	32.1	3.2
11	565,377	16.3	8.4	24.5	0.7
12	566,132	18.4	16.9	35.1	2.4
13	565,325	3.9	22.2	25.9	1.3
14	566,521	12.9	17.5	30.1	1.7
15	566,804	0.3	83.6	84.0	0.5
16	567,151	3.7	69.2	72.7	1.4
17	566,235	5.0	13.5	18.4	1.3
18	565,229	53.0	16.1	68.3	2.6
19	566,127	6.1	24.9	30.8	1.3
20	567,070	4.7	55.5	60.0	1.6
21	566,749	4.1	20.7	24.6	1.4
22	565,373	14.6	17.8	32.0	9.6
23	565,970	8.9	53.3	61.8	0.9
24	566,298	45.6	29.2	73.9	1.7
25	565,762	16.2	13.2	29.1	3.6
26	566,102	6.0	9.0	14.9	3.5
27	567,072	3.8	51.2	54.8	1.1
28	565,361	12.2	52.9	64.5	1.8
29	566,560	12.7	14.1	26.3	2.0
30	566,455	1.0	79.0	79.9	0.6

TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit 34B(1)



TEXAS

U.S. Congressional Districts

103rd - 104th Congresses

(PLANC657)

1990 Census Population Totals

District	Total	Anglo	Black	Hispanic	Asian	Other
1	568,217	78.1	18.1	2.2	0.2	0.7
2	568,217	77.1	18.7	0.8	0.1	0.7
3	568,217	85.9	4.4	6.0	0.3	3.7
4	568,217	85.3	9.4	4.3	0.7	1.0
5	568,217	64.3	16.5	17.0	0.6	1.9
6	568,217	87.6	4.4	6.4	0.6	2.0
7	568,217	75.8	9.0	11.0	0.7	3.7
8	568,217	85.4	9.2	3.0	0.4	2.2
9	568,217	58.9	21.7	8.4	0.6	2.3
10	568,217	84.8	11.2	2.4	0.2	1.2
11	568,217	78.2	15.9	3.3	0.9	1.9
12	568,217	73.6	6.6	18.3	0.1	0.3
13	568,217	71.0	8.5	19.4	0.1	1.0
14	568,217	80.1	10.6	8.6	0.4	0.8
15	568,217	23.9	1.1	74.9	0.0	0.0
16	568,217	25.0	3.8	70.4	0.1	0.3
17	568,217	78.9	3.5	17.8	0.0	0.8
18	568,217	31.3	50.6	15.5	0.5	2.2
19	568,217	75.4	2.5	19.8	0.0	1.3
20	568,217	58.2	0.6	40.7	0.0	1.0
21	568,217	68.2	2.5	14.1	0.1	1.3
22	568,217	68.2	7.5	18.1	0.1	7.1
23	568,217	53.6	2.9	43.5	0.0	1.1
24	568,217	56.7	18.1	21.5	0.0	3.7
25	568,217	53.0	30.0	13.7	0.0	4.0
26	568,217	68.4	4.0	8.5	0.0	4.3
27	568,217	58.7	2.4	38.2	0.0	0.8
28	568,217	38.4	0.5	60.4	0.0	1.0
29	568,217	27.0	10.2	59.5	0.0	3.3
30	568,217	31.4	50.1	17.1	0.0	2.4

LEGEND

County Boundaries

Congressional District 99

PLANC657
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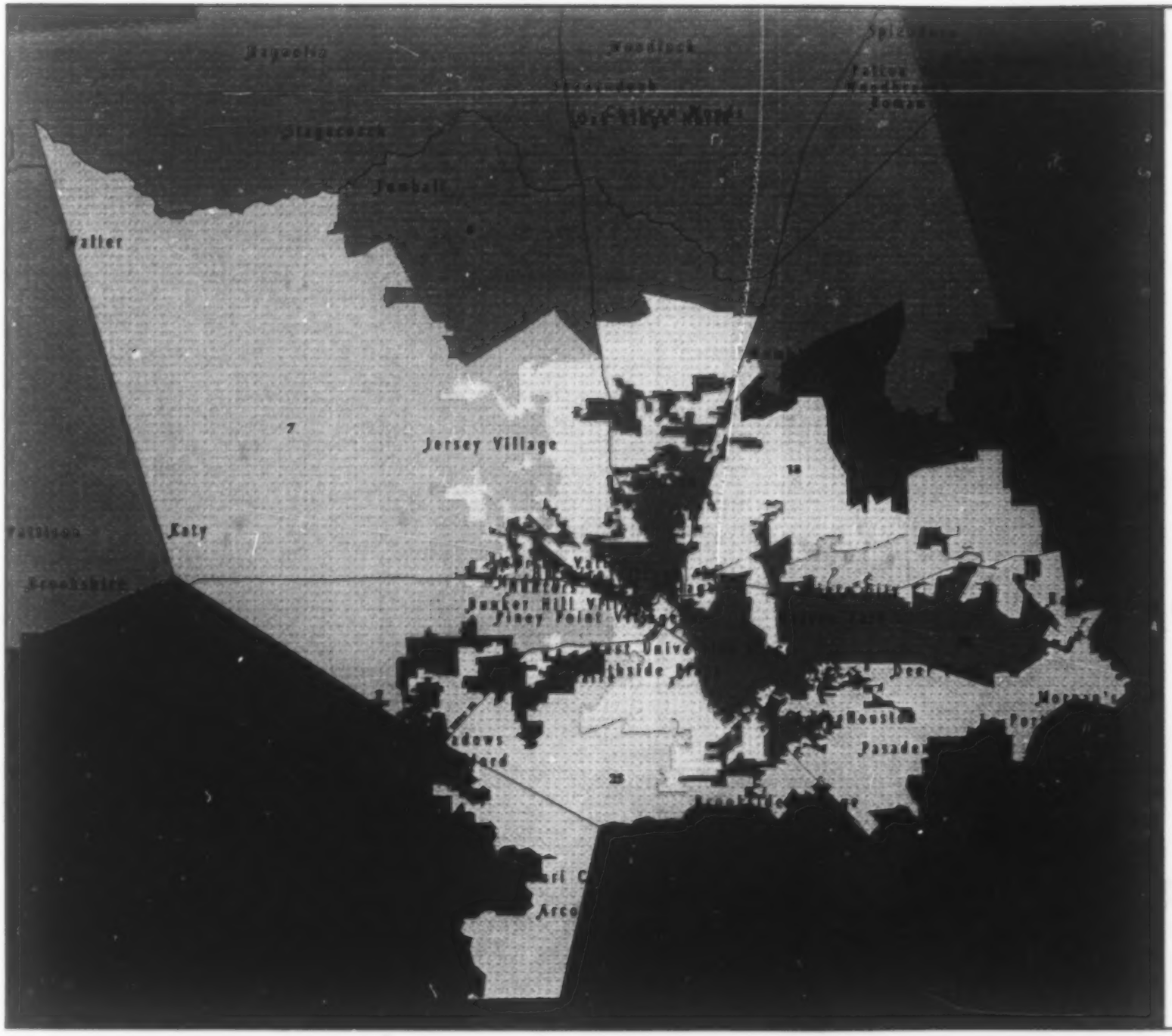
August 14, 1995 3:33 PM

TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit 34B(2)



HARRIS COUNTY

U.S. Congressional Districts

103rd - 104th Congresses

(PLANC657)

1990 Census Population Totals

		<-------percent of total------->			
District	Total	Black	Hispanic	B&H	Other
1	566,217	18.1	3.2	21.2	0.7
2	566,217	16.7	5.6	22.1	0.7
3	566,217	4.4	6.0	10.3	3.7
4	566,217	8.4	4.3	12.7	1.0
5	566,217	16..	17.9	33.8	1.9
6	566,217	4.4	5.4	9.8	2.6
7	566,217	5.9	11.9	17.7	5.7
8	566,217	5.2	7.2	12.4	2.2
9	566,217	21.7	9.4	30.8	2.3
10	566,217	11.2	21.4	32.2	3.2
11	566,217	15.9	12.3	27.9	1.9
12	566,217	8.0	16.3	24.1	2.3
13	566,217	8.0	19.4	27.2	1.8
14	566,217	10.6	23.6	34.0	0.9
15	566,217	1.1	74.5	75.5	0.6
16	566,217	3.6	70.4	73.7	1.3
17	566,217	3.5	17.2	20.6	0.9
18	566,217	50.9	15.3	65.5	3.2
19	566,217	2.5	19.6	22.0	1.3
20	566,217	5.8	60.7	66.2	1.6
21	566,217	2.5	14.1	16.4	1.3
22	566,217	7.8	16.1	23.6	7.1
23	566,217	2.9	62.5	65.3	1.1
24	566,217	19.1	21.8	40.6	2.7
25	566,217	26.9	16.7	43.0	4.0
26	566,217	4.2	9.2	13.2	4.3
27	566,217	2.4	66.2	68.4	0.8
28	566,217	8.5	60.4	68.6	1.0
29	566,217	10.2	60.6	70.2	2.0
30	566,217	50.0	17.1	66.3	2.4

PLANC657

TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit 34B(3)

DALLAS COUNTY

U.S. Congressional Districts

103rd - 104th Congresses

(PLANC657)

1990 Census Population Totals

		<——— percent of total ———>			
District	Total	Black	Hispanic	B&H	Other
1	566,217	18.1	3.2	21.2	0.7
2	566,217	16.7	5.6	22.1	0.7
3	566,217	4.4	6.0	10.3	3.7
4	566,217	8.4	4.3	12.7	1.0
5	566,217	16.3	17.9	33.8	1.9
6	566,217	4.4	5.4	9.8	2.6
7	566,217	5.9	11.9	17.7	5.7
8	566,217	5.2	7.2	12.4	2.2
9	566,217	21.7	9.4	30.8	2.3
10	566,217	11.2	21.4	32.2	3.2
11	566,217	15.9	12.3	27.9	1.9
12	566,217	8.0	16.3	24.1	2.3
13	566,217	8.0	19.4	27.2	1.8
14	566,217	10.6	23.6	34.0	0.9
15	566,217	1.1	74.5	75.5	0.6
16	566,217	3.6	70.4	73.7	1.3
17	566,217	3.5	17.2	20.6	0.9
18	566,217	50.9	15.3	65.5	3.2
19	566,217	2.5	19.6	22.0	1.3
20	566,217	5.8	60.7	66.2	1.6
21	566,217	2.5	14.1	16.4	1.3
22	566,217	7.8	16.1	23.5	7.1
23	566,217	2.9	62.5	65.3	1.1
24	566,217	19.1	21.8	40.6	2.7
25	566,217	26.9	16.7	43.0	4.0
26	566,217	4.2	9.2	13.2	4.3
27	566,217	2.4	66.2	68.4	0.8
28	566,217	8.5	60.4	68.6	1.0
29	566,217	10.2	60.6	70.2	2.0
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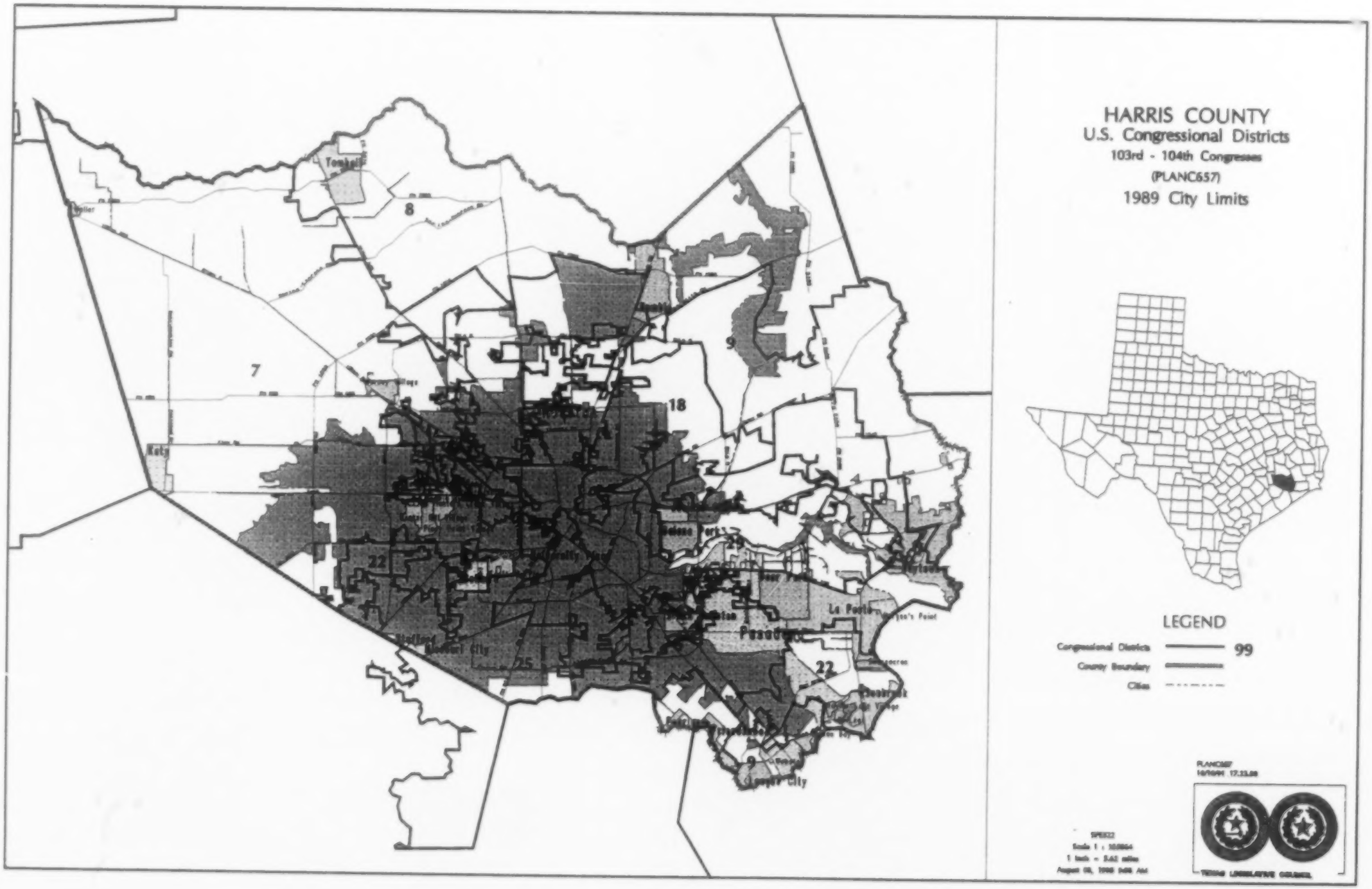
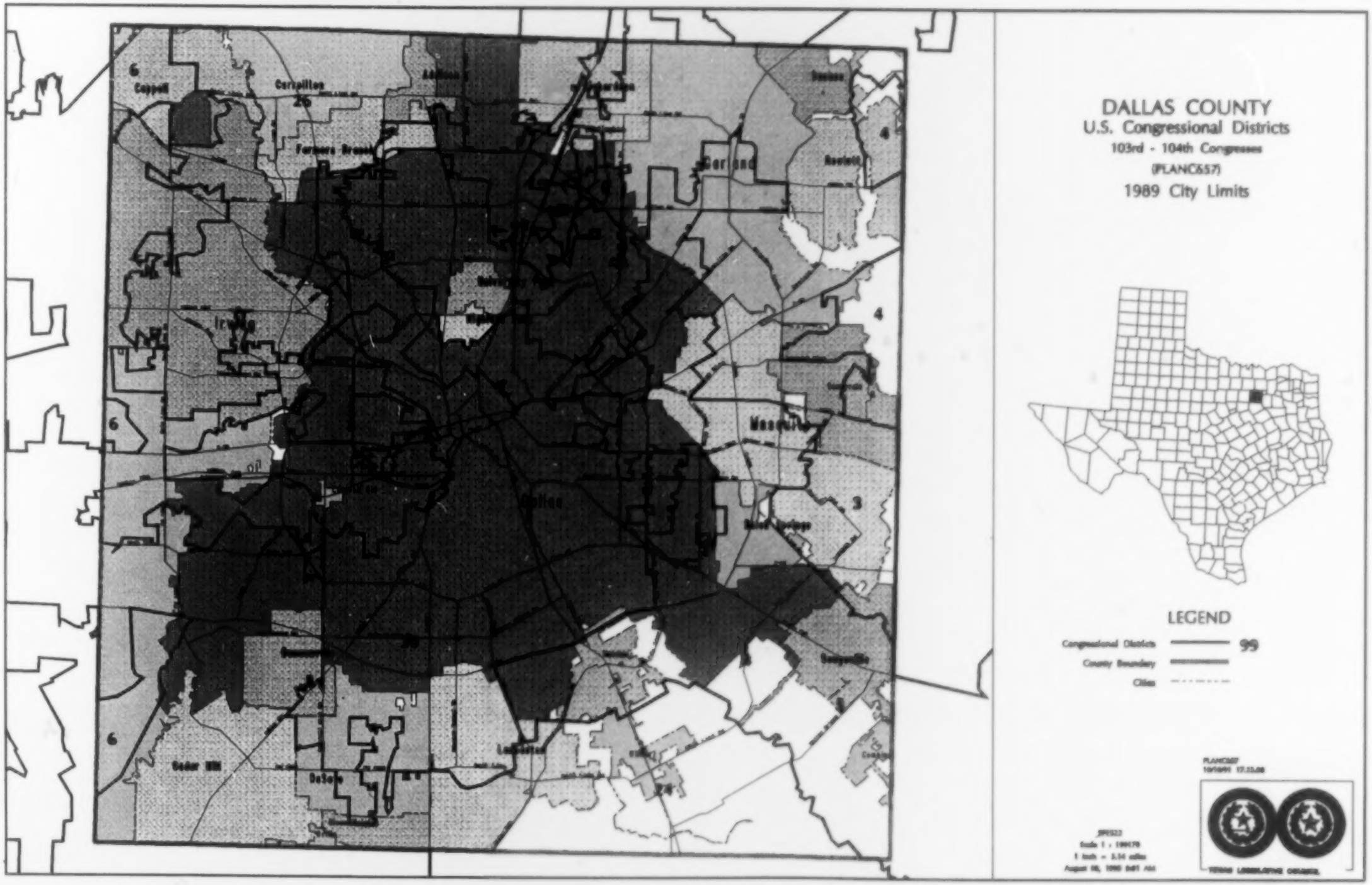
PLANC657

TEXAS LEGISLATIVE COUNCIL

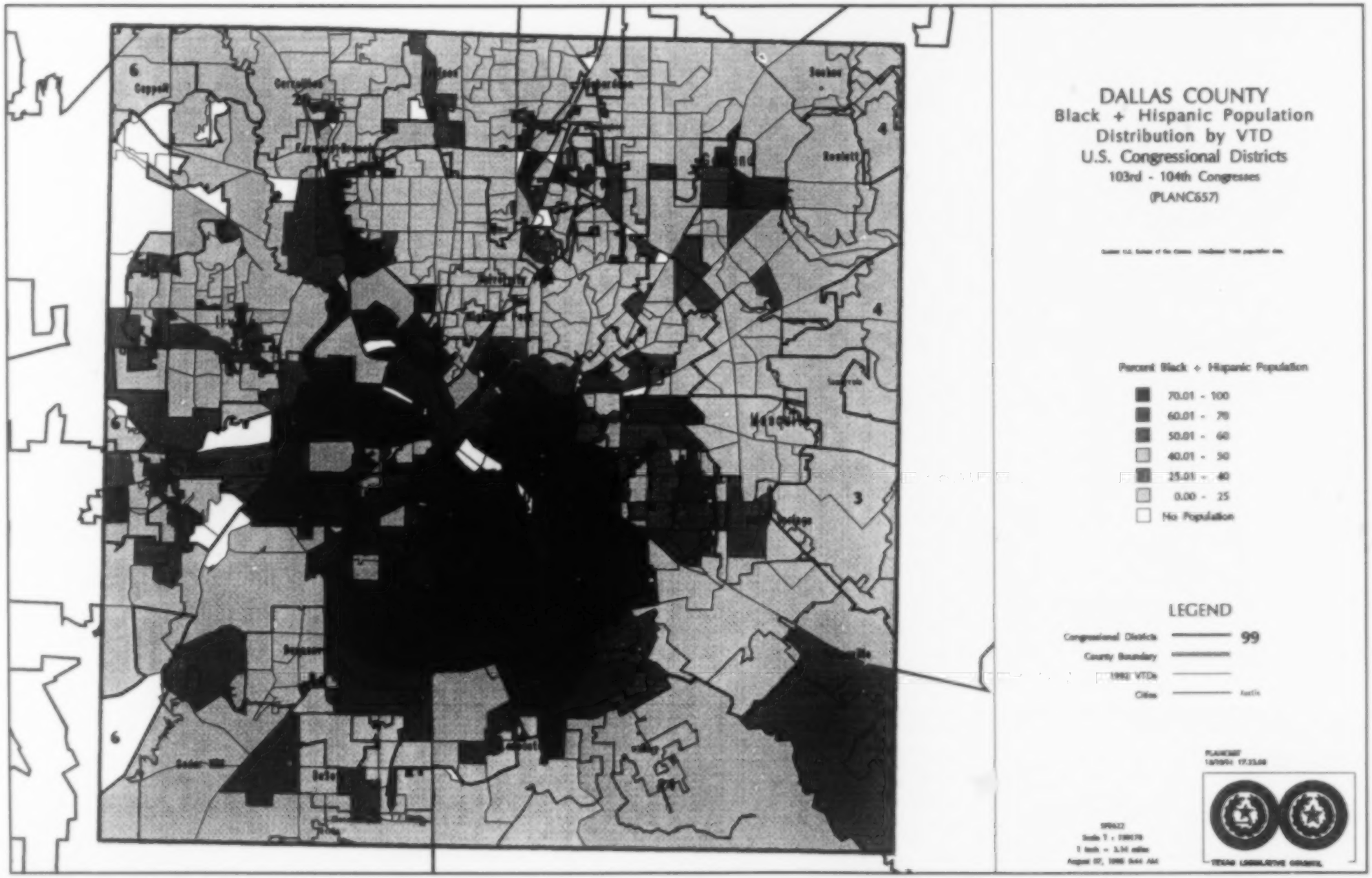
Plaintiffs' Exhibit 34D(1)

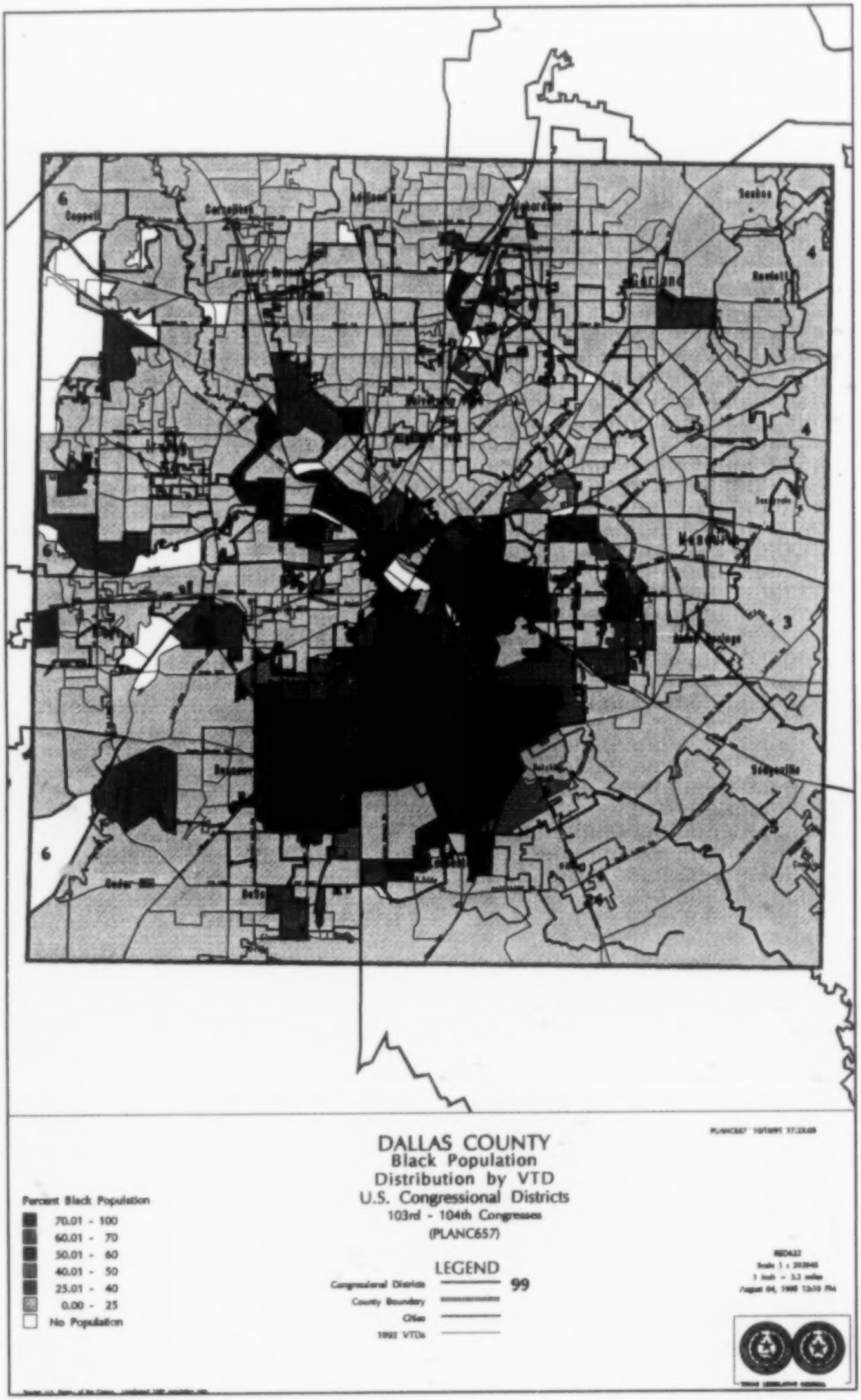

HARRIS COUNTY
U.S. Congressional Districts
103rd - 104th Congresses
(PLANC657)
1989 City Limits
LEGEND
Congressional Districts
99
County Boundary
Cities
Tomball
Katy
Pasadena
La Porte
Deer Park
Baytown
Bellaire
Galena Park
Jacinto City
Seabrook
Kemah
Clear Lake City
Webster
Nassau Bay
Hedwig Village
Piney Point Village
Hunters Creek Village
Bunker Hill Village
Spring Valley Village
Hilshire Village
Southside Place
West University Place
Taylor Lake Village
Kemah
Clear Lake Shores
Dickinson
Friendswood
Alvin
Pearland
Manvel
Iowa Colony
Santa Fe
Texas City
League City
Hitchcock
Bacliff
Bayou Vista

Plaintiffs' Exhibit 34D(2)



Plaintiffs's Exhibit 34H1





DALLAS COUNTY
Black Population
Distribution by VTD
U.S. Congressional Districts
103rd - 104th Congresses
(PLANC657)

Percent Black Population
- 70.01 - 100
- 60.01 - 70
- 50.01 - 60
- 40.01 - 50
- 25.01 - 40
- 0.00 - 25
- No Population

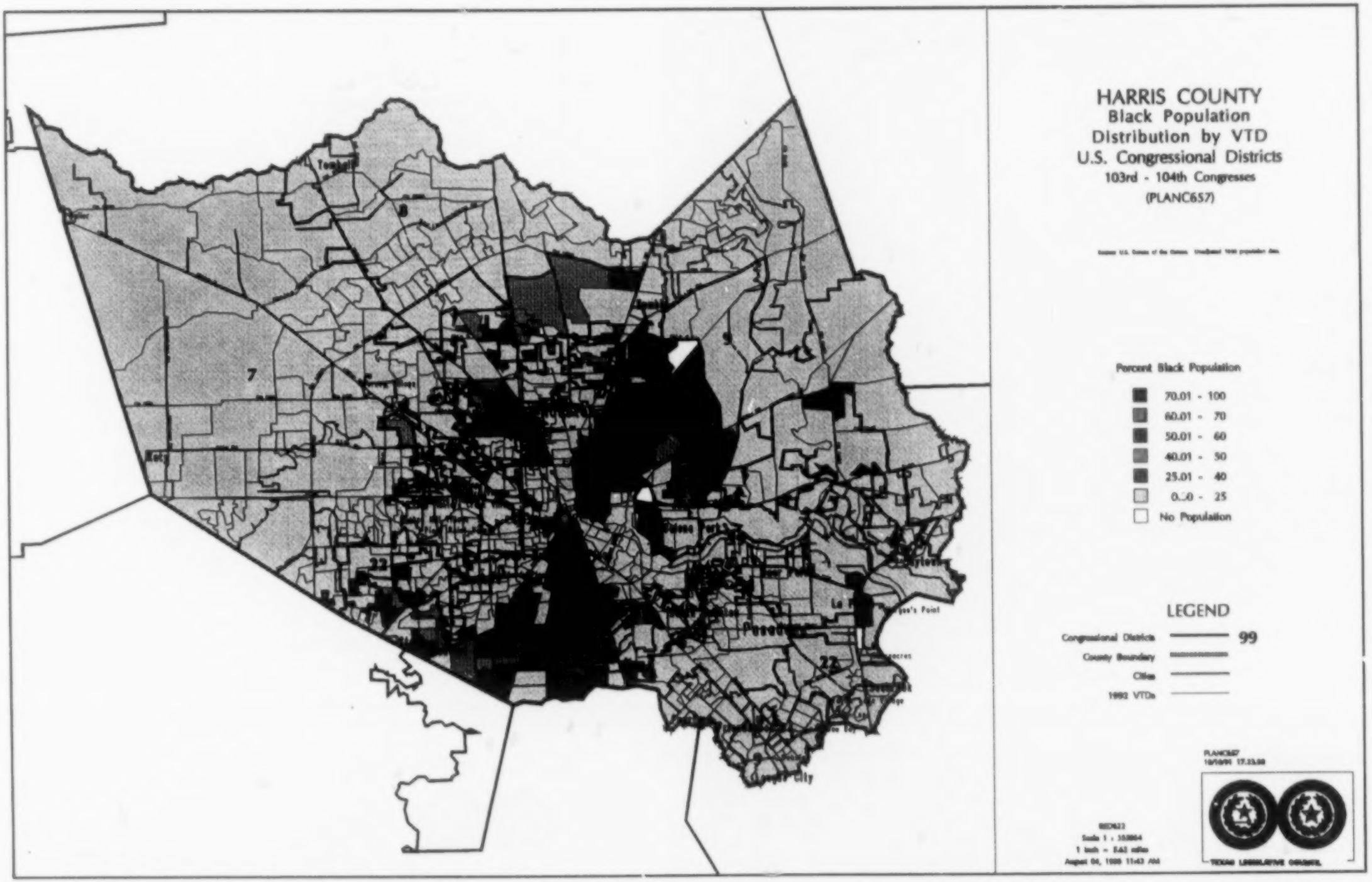
LEGEND
- Congressional District — 99
- County Boundary
- Cities
- 1992 VTDs

Scale 1 : 203940
1 inch = 3.2 miles
August 04, 1998 12:10 PM

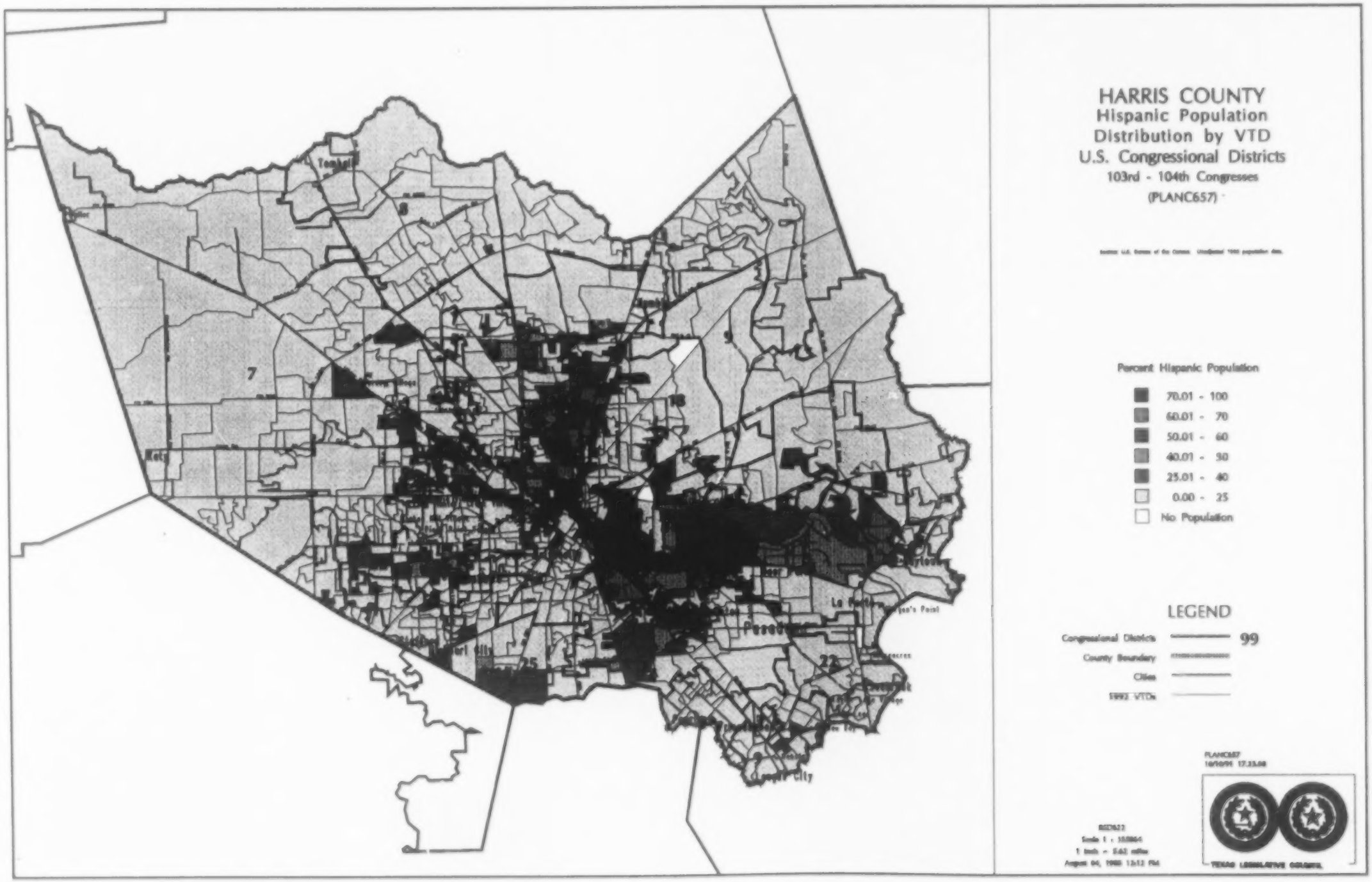
TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit 34H2

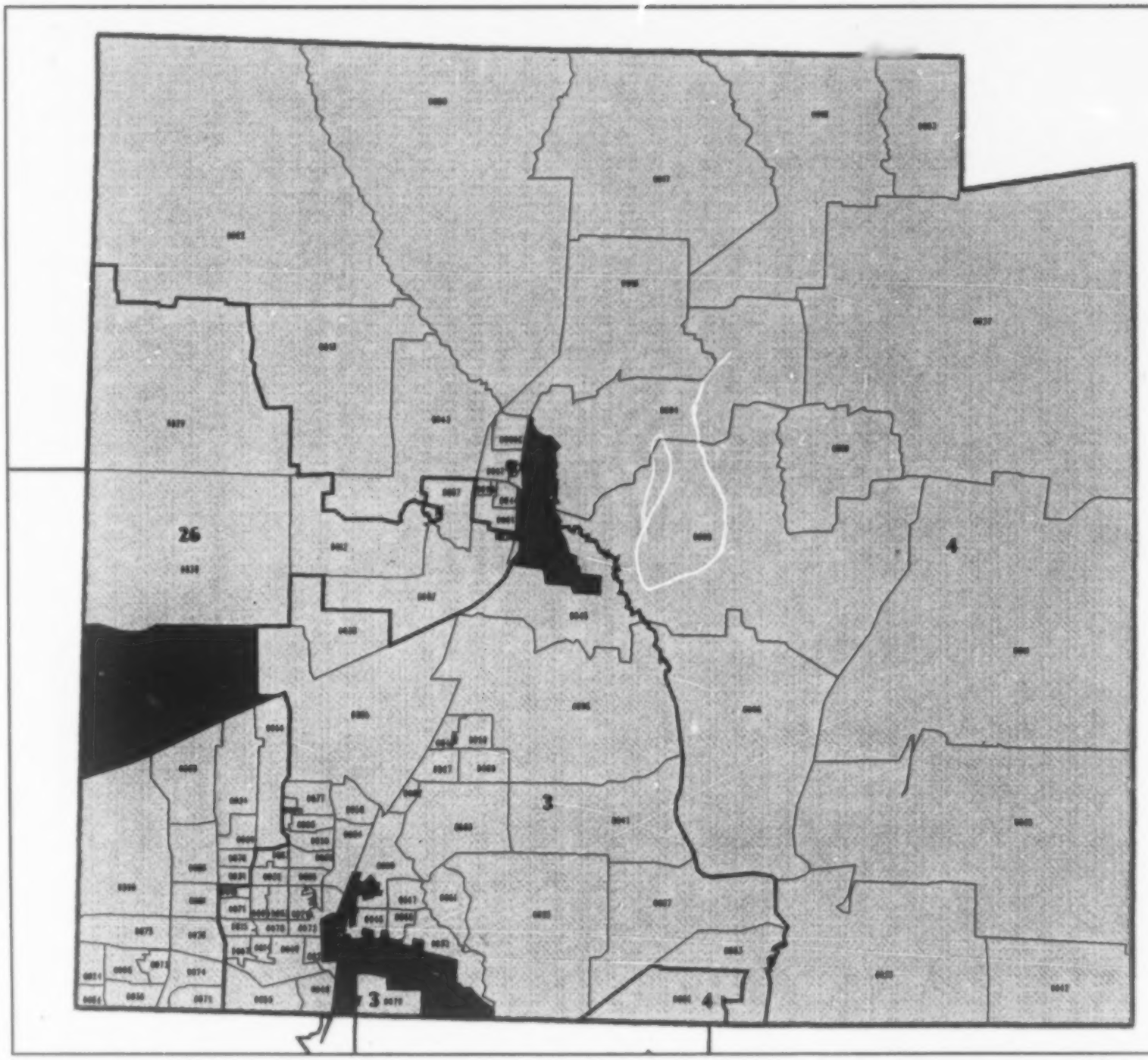
Plaintiffs's Exhibit 34H8



Plaintiffs' Exhibit 34H9



Plaintiffs' Exhibit 34H17



COLLIN COUNTY
Black + Hispanic Population
Distribution by VTD
U.S. Congressional Districts
103rd - 104th Congresses
(PLANC657)

Percent Black + Hispanic Population

- 70.01 - 100
- 60.01 - 70
- 50.01 - 60
- 40.01 - 50
- 25.01 - 40
- 0.00 - 25
- No Population

LEGEND

- Congressional District — 99
- County Boundary
- 1992 VTDs — 0001

Plaintiff's Exhibit 34O
Population Analysis of Districts under Plan C567

WR6396A	TEXAS LEGISLATIVE COUNCIL - PAR		06/23/94
DATA: 1990 CENSUS	PLAN POPULATION ANALYSIS WITH DISTRICT TOTALS		10:45:21
PLANID: PLANC657 082491 17:14:06	CONGRESSIONAL DISTRICTS		PAGE 1

TOTAL STATE POPULATION	16,986,510	UNASSIGNED POPULATION	0
TOTAL DISTRICTS REQUIRED	30	REMAINING DISTRICTS	0
IDEAL DISTRICTS POPULATION	566,217	UNASSIGNED MEAN DEVIATION	-

	MEAN (AVERAGE)	SMALLEST POPULATION DIST.: 1	LARGEST POPULATION DIST.: 1
DISTRICT POPULATION	566,217	566,217	566,217
TOTAL DEVIATION	0	0	0
PERCENT DEVIATION	0.00%	0.00%	0.00%

PLAN'S RANGE OF DEVIATION: TOTAL = 0 PERCENT = 0.00%

WR6396A TEXAS LEGISLATIVE COUNCIL - PAR 06/23/94
DATA: 1990 CENSUS PLAN POPULATION ANALYSIS WITH DISTRICT TOTALS 10:45:21
PLANID: PLANC657 082491 17:14:06 CONGRESSIONAL DISTRICTS PAGE 2

	VOTER REGISTRATION		POPULATION TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	% OF POPULATION BLACK	HISP	B+H	ANGLO	OTHER
DIST 001	311,259	TTL	566,217	102,480	18,058	119,942	442,209	4,066	18.1	3.2	21.2	78.1	0.7
		VAP	416,554	68,173	11,258	79,066	334,607	2,881	16.4	2.7	19.0	80.3	0.7
DIST 002	316,846	TTL	566,217	94,345	31,976	125,306	436,813	4,098	16.7	5.6	22.1	77.1	0.7
		VAP	414,273	63,850	20,342	83,499	327,887	2,887	15.4	4.9	20.2	79.1	0.7
DIST 003	283,165	TTL	566,217	24,823	34,062	58,505	486,589	21,123	4.4	6.0	10.3	85.9	3.7
		VAP	419,575	16,288	22,638	38,678	366,531	14,366	3.9	5.4	9.2	87.4	3.4
DIST 004	311,037	TTL	566,217	47,413	24,592	71,637	488,804	5,776	8.4	4.3	12.7	86.3	1.0
		VAP	413,296	31,640	14,735	46,163	363,174	3,959	7.7	3.6	11.2	87.9	1.0

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	VOTER REGISTRATION		POPULATION TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	% OF POPULATION BLACK	HISP	B+H	ANGLO	OTHER
DIST 005	281,638	TTL	566,217	92,564	101,099	191,556	363,849	10,812	16.3	17.9	33.8	64.3	1.9
		VAP	414,181	63,308	63,475	125,496	281,296	7,389	15.3	15.3	30.3	67.9	1.8

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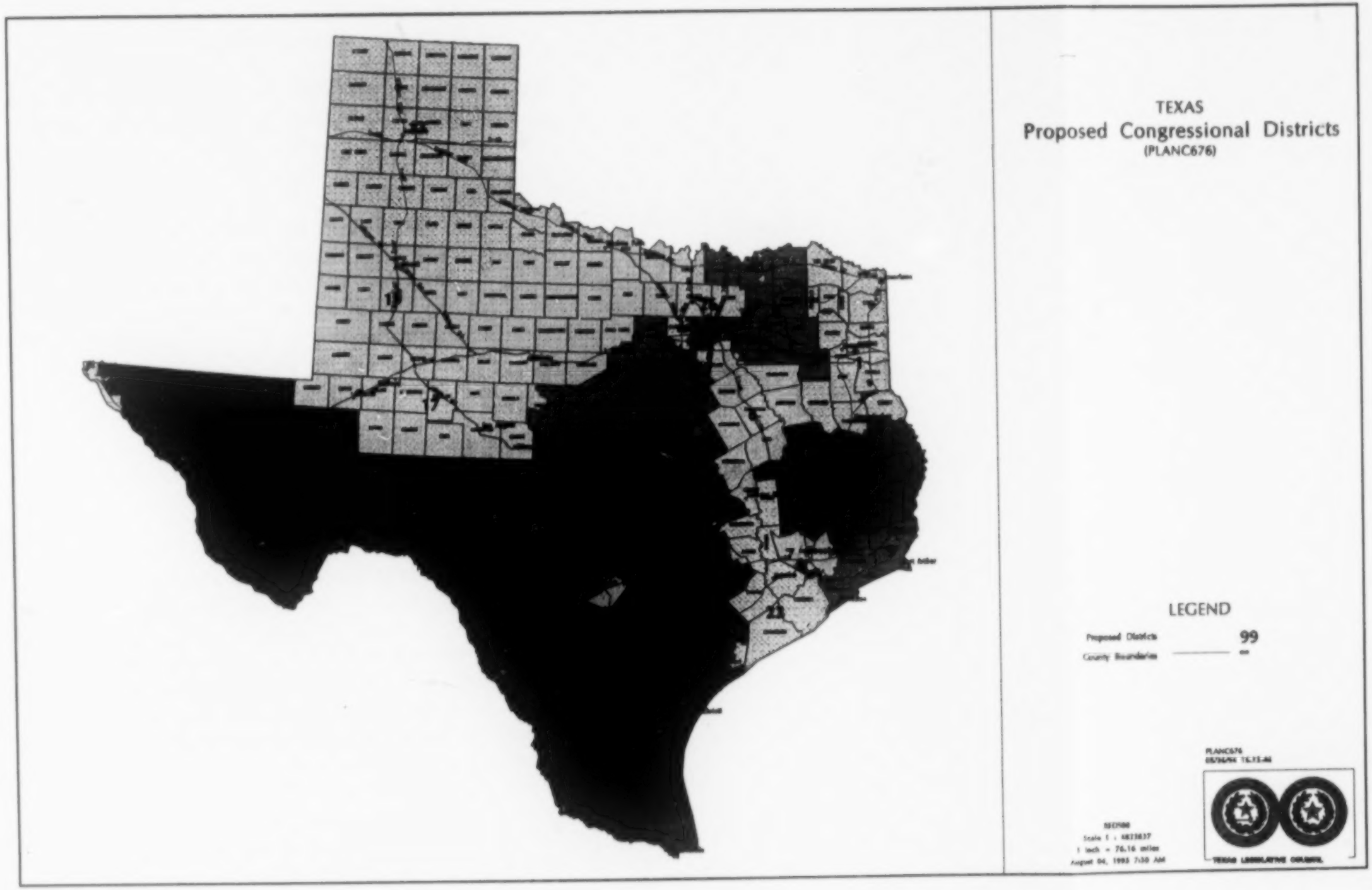
	VOTER REGISTRATION		POPULATION TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	% OF POPULATION BLACK	HISP	B+H	ANGLO	OTHER
DIST 006	289,169	TTL	566,217	25,030	30,856	55,435	496,220	14,562	4.4	5.4	9.8	87.6	2.6
		VAP	411,725	16,631	19,982	36,366	365,457	9,902	4.0	4.9	8.8	88.8	2.4
DIST 007	264,181	TTL	566,217	33,514	67,616	100,156	433,519	32,542	5.9	11.9	17.7	76.6	5.7
		VAP	412,822	21,866	44,802	66,032	324,813	21,977	5.3	10.9	16.0	78.7	5.3
DIST 008	284,916	TTL	566,217	29,707	40,728	70,023	483,782	12,412	5.2	7.2	12.4	85.4	2.2
		VAP	408,226	19,371	26,427	45,558	353,644	9,024	4.7	6.5	11.2	86.6	2.2
DIST 009	311,317	TTL	566,217	122,712	53,487	174,646	378,532	13,039	21.7	9.4	30.8	66.9	2.3
		VAP	410,971	81,472	34,767	115,298	287,093	8,580	19.8	8.5	28.1	66.9	2.1
DIST 010	346,499	TTL	566,217	63,145	121,271	182,246	365,616	18,355	11.2	21.4	32.2	64.6	3.2
		VAP	430,148	43,209	80,327	122,244	293,354	14,550	10.0	18.7	28.4	68.2	3.4
DIST 011	257,740	TTL	566,217	90,248	69,887	158,023	397,438	10,756	15.9	12.3	27.9	70.2	1.9
		VAP	413,528	60,263	43,189	102,270	303,332	7,926	14.6	10.4	24.7	73.4	1.9

	VOTER REGISTRATION		POPULATION TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	% OF POPULATION BLACK	HISP	B+H	ANGLO	OTHER
DIST 012	289,750	TTL	566,217	45,426	92,253	136,693	416,474	13,050	8.0	16.3	24.1	73.6	2.3
		VAP	412,814	30,439	57,013	86,898	317,155	8,761	7.4	13.8	21.1	76.8	2.1
DIST 013	285,903	TTL	566,217	45,342	109,959	154,193	401,891	10,133	8.0	19.4	27.2	71.0	1.8
		VAP	409,490	29,899	64,439	93,774	308,627	7,089	7.3	15.7	22.9	75.4	1.7
DIST 014	299,779	TTL	566,217	60,290	133,703	192,249	368,689	5,279	10.6	23.6	34.0	65.1	0.9
		VAP	407,375	42,199	83,146	124,284	279,659	3,432	10.4	20.4	30.5	68.6	0.8
DIST 015	253,720	TTL	566,217	6,273	422,066	427,654	135,329	3,234	1.1	74.5	75.5	23.9	0.6
		VAP	369,299	4,209	257,157	261,011	106,008	2,280	1.1	69.6	70.7	28.7	0.6
DIST 016	201,106	TTL	566,217	20,272	398,384	417,172	141,546	7,499	3.6	70.4	73.7	25.0	1.3
		VAP	382,985	13,905	254,177	267,379	110,039	5,567	3.6	66.4	69.8	28.7	1.5
DIST 017	296,951	TTL	566,217	20,038	97,116	116,561	444,426	5,230	3.5	17.2	20.6	78.5	0.9
		VAP	412,570	13,362	58,322	71,379	337,609	3,582	3.2	14.1	17.3	81.8	0.9
DIST 018	264,181	TTL	566,217	288,382	86,840	370,913	177,036	18,268	50.9	15.3	65.5	31.3	3.2
		VAP	414,418	201,454	56,629	255,202	145,957	13,259	48.6	13.7	61.6	35.2	3.2

	VOTER REGISTRATION		POPULATION TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	% OF POPULATION BLACK	HISP	B+H	ANGLO	OTHER
DIST 019	272,336	TTL	566,217	14,410	110,776	124,688	433,901	7,628	2.5	19.6	22.0	76.6	1.3
		VAP	403,001	8,974	64,338	73,100	324,370	5,531	2.2	16.0	18.1	80.5	1.4
DIST 020	279,114	TTL	566,217	32,629	343,870	374,807	182,219	9,191	5.8	60.7	66.2	32.2	1.6
		VAP	398,984	22,887	223,856	245,785	146,271	6,928	5.7	56.1	61.6	36.7	1.7
DIST 021	303,689	TTL	566,217	13,972	79,655	93,065	564,609	7,543	2.5	14.1	16.4	82.2	1.3
		VAP	420,498	8,423	51,893	61,043	353,995	5,460	2.2	12.3	14.5	84.2	1.3
DIST 022	265,023	TTL	566,217	44,266	90,920	133,792	391,950	40,475	7.8	16.1	23.6	69.2	7.1
		VAP	406,687	30,299	58,388	87,744	291,448	27,495	7.5.	14.4	21.6	71.7	6.8
DIST 023	260,192	TTL	566,217	16,484	354,149	369,803	190,341	6,073	2.9	62.5	65.3	33.6	1.1
		VAP	374,947	11,002	218,491	229,044	141,711	4,192	2.9	58.3	61.1	37.8	1.1
DIST 024	281,882	TTL	566,217	108,340	123540	229,983	320,980	15,254	19.1	21.8	40.6	56.7	2.7
		VAP	598,176	70,792	74,551	144,211	241,224	10,741	17.9	18.8	36.4	60.9	2.7
DIST 025	263,380	TTL	566,217	152,574	94,525	243,507	300,114	22,596	26.9	16.7	43.0	53.0	4.0
		VAP	405,030	100,745	60,196	158,682	230,002	16,346	24.9	14.9	39.2	56.8	4.0

	VOTER REGISTRATION		POPULATION TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	% OF POPULATION BLACK	HISP	B+H	ANGLO	OTHER
DIST 026	290,058	TTL	566,217	23,679	51,827	74,995	466,816	24,406	4.2	9.2	13.2	82.4	4.3
		VAP	422,747	16,637	34,515	50,848	354,847	17,052	3.9	8.2	12.0	83.9	4.0
DIST 027	252,043	TTL	566,217	13,760	374,783	387,536	173,888	4,793	2.4	66.2	68.4	30.7	0.8
		VAP	380,622	9,221	233,803	242,470	134,778	3,374	2.4	61.4	63.7	35.4	0.9
DIST 028	290,717	TTL	566,217	48,295	341,843	388,487	171,98\78	5,752	8.5	60.4	68.6	30.4	1.0
		VAP	382,636	33,231	216,159	248,464	130,032	4,090	8.7	56.5	64.9	34.0	1.1
DIST 029	264,181	TTL	566,217	57,994	343,332	397,459	157,461	11,297	10.2	60.6	70.2	27.8	2.0
		VAP	377,455	36,972	208,985	243,627	126,067	7,761	9.8	55.4	64.5	33.4	2.1
DIST 030	269,337	TTL	566,217	283,225	96,732	375,233	177,661	13,323	50.0	17.1	66.3	31.4	2.4
		VAP	407,638	192,049	61,586	250,659	147,315	9,664	47.1	15.1	61.5	36.1	2.4

Plaintiffs' Exhibit 35A



TEXAS
Proposed Congressional Districts
(PLANC676)

LEGEND

Proposed Districts 99

County Boundaries

PLANC676
08/04/93 TX:33:46

SED100
Scale 1 : 4823837
1 inch = 76.16 miles
August 04, 1993 7:30 AM

TEXAS LEGISLATIVE COUNCIL

Plaintiffs' Exhibit 36

Final Report of Ronald E. Weber
Vera v. Richards

WILDER CRANE PROFESSOR OF GOVERNMENT
UNIVERSITY OF WISCONSIN--MILWAUKEE

and

PRESIDENT, CAMPAIGN AND OPINION
RESEARCH ANALYSTS, INC.
110 EAST CORNERVIEW ROAD
GONZALES, LA 70737

Dated June 25, 1994

Summary of Differences Between
Final and Preliminary Reports

1. Paragraph 10 has been revised and extended to include a discussion of a new Table H-1 reported in Attachment H.
2. Paragraph 14 has been revised to clarify some definitions of brightlines or cutoff points as those terms were discussed at my deposition on June 21-22.
3. Attachment H has been added to the report.

INTRODUCTION

A. Background and Experience

1. My name is Ronald E. Weber and I am a resident of the State of Wisconsin.

2. I am currently the Wilder Crane Professor of Government and Chairman of the Department of Political Science at the University of Wisconsin, Milwaukee, Wisconsin; President of Campaign and Opinion Research Analysts, Inc.; and former coeditor of The Journal of Politics. I received my B.A. in Political Science and History from Macalester College, St. Paul, MN, in 1964 and a Ph.D. in Political Science from Syracuse University in 1969, with specialties in American state politics, voting behavior, and quantitative analyses of political data. A copy of my curriculum vitae is attached as Attachment A.

3. I am the author of numerous scholarly works on state political behavior, including several works on state legislative elections and voting behavior at the individual and aggregate levels of analysis. These works have appeared in such academic journals as the American Political Science Review, The Journal of Politics, Midwest Journal of Political Science, Public Opinion Quarterly, and Legislative Studies Quarterly.

4. I have been retained as a consultant and expert witness in a number of voting rights cases and have been qualified as an expert by the U.S. District Courts in the Middle District (Northern and Southern Divisions) of Alabama, the Northern District (Tallahassee Division) and Middle District of Florida, the Southern District (Augusta Division) of Georgia, the Eastern, Middle, and Western Districts of Louisiana, the District of Maryland, the District (Western Division) of Massachusetts, the Eastern District (Southern Division) of Michigan, the Northern

District (Eastern and Western Divisions) of Mississippi, and the Northern District of Texas. I have given testimony by deposition in a number of cases, including a deposition for the plaintiffs in the Congressional redistricting cases of Shaw v. Reno, n/k/a Shaw v. Hunt (Eastern District of North Carolina, Raleigh Division) and Johnson v. Miller (Southern District of Georgia, Augusta Division). A listing of the cases in which I have testified in Federal court or I was deposed under oath is attached as Attachment B. I also have extensive experience developing redistricting plans for local and state government clients and assisting them with preclearance of those plans under Section 5 of the U.S. Voting Rights Act of 1965, as amended in 1982.

5. I have been retained by plaintiffs in this case and am being compensated at the rate of $100 per hour plus out-of-pocket expenses.

B. Purpose of the Analysis

6. I have addressed the following questions in analyzing whether the 1991 Congressional redistricting in Texas results in a violation of the Fourteenth and Fifteenth Amendments of the U.S. Constitution in accord with factors set forth by the U.S. Supreme Court in Shaw v. Reno:

(1) whether or not race was the overriding factor used by the State of Texas to draw the boundaries of the 1991 Congressional districts;

(2) whether or not several of the Congressional districts in the plan are compact;

(3) whether or not the Congressional districting plan violates other traditional districting criteria;

(4) whether or not voting patterns in recent Democratic primary, runoff, and general elections held within the boundaries of the current Congressional districts reveal patterns of

participation differences between African-Americans, Hispanic, and non-African Americans (Anglos) and racially polarized voting, and, if so, to what extent;

(5) whether or not the nine minority-majority Congressional districts in the plan are overly safe from the standpoint of assuring the election of a candidate of choice of African-American or Hispanic voters; and

(6) whether or not more narrowly tailored plans were or can be created for the Congressional districts that can achieve the same electoral results as the state plan that are less violative of traditional districting criteria.

7. In attempting to assist the court in addressing these questions, I have undertaken an analysis of data reported in the State of Texas' 1991 preclearance submission to the U.S. Department of Justice, as well as other demographic and electoral data. The results of my analysis to date will be presented in this report in the following form: in section I, I will describe the analyses conducted to answer the first three questions and set forth my conclusions on those questions; in Section II, I will describe the electoral database employed, my analytical methodology for the participation and polarization analyses, and set forth my conclusions based upon the application of this methodology to this database; and in section III, I will describe the analyses conducted to answer the last question and set forth my conclusions on that question. Tables and exhibits relevant to my analyses will be included as attachments to this report.

I. ANALYSIS OF DISTRICTING CRITERIA EMPLOYED BY STATE

8. Some of the data needed to address the questions raised in the text of the Congressional and Senatorial

other traditional districting criteria is included in the preclearance file submitted to the U.S. Department of Justice in 1991. In addition, data published by the U.S. Bureau of the Census subsequent to the Congressional plan's preclearance in 1991 or included in analyses of compactness conducted by scholars is analyzed in my attempts to answer these questions.

9. The question of whether or not race was the overriding factor used by the State of Texas to draw the boundaries of the Congressional districts can be addressed by an examination of both tabular data compiled by the U.S. Bureau of the Census and maps created on the Redistricting Applications System of the Texas Legislative Council. Data from both sources are displayed on several maps provided within the Section 5 preclearance submission of Texas as well as in detailed county maps created to display the use of race as a redistricting criterion.

10. Tabular data showing how race acted as the overriding consideration in the creation of the final plan for the Texas Congressional districts are reported in Attachments C and H. Table C-1 of Attachment C reports for each Congressional district the racial and ethnic composition of the population of the counties that were sub-divided in the creation of the plan using data from Table 3 of the Texas volume of Congressional Districts of the 103rd Congress published in early 1993 by the U.S. Bureau of the Census. For districts that were created to elect African-American congressmen (e.g., districts 18 and 30), the county splits show a typical pattern of African-American total population majorities or pluralities. For the districts that were created to elect Hispanic congressmen (e.g. districts 15, 16, 20, 23, 27, 28, and 29), the county splits show a typical pattern of Hispanic total population majorities or pluralities. The county splits as they impact the remaining Anglo majority

districts can be divided into two categories: 1) those county splits for the districts where the intent usually was to provide minority voters to shore up the electoral bases of the incumbents who in the past could be characterized as candidates of choice of minority voters (e.g. districts 2, 5, 13, 14, 24, and 25), and 2) those county splits for the districts where the intent usually was to carve out minority voters so as not to endanger the electoral bases of the incumbents who in the past could not be characterized as candidates of choice of minority voters (e.g. districts 3, 4, 6, 7, 8, 19, 21, 22, and 26). Almost every time there was an opportunity to use race or ethnicity as the basis for dividing people up politically, the Texas plan does it. A further indication of how race was used to override other factors can be seen in an examination of Table H-1 in Attachment H. This table reports the same data as in Table C-1 but provides some additional information comparing the racial and ethnic composition of the whole counties to that of the split counties in each district. This table aids one in seeing how many of the split counties were divided by race or ethnicity to put African-American and Hispanic persons from each county in one district, while putting Anglo persons from the same county in a separate district. Whether or not the spliting of a county has a beneficial result for segregating population depends on a comparison with the racial or ethnic makeup of the whole counties going into each district. Note that several split counties in Table H-1 are designated as bridge counties. These are counties in the rural parts of the state that had to be split to reach further out to grab minority populations for other parts of the district. These bridges in rural counties are the equivalent of the industrial or downtown corridors used in the urban area districts to further the creation of racially and ethnically segregated districts.

11. Table C-2 in Attachment C provides further confirmation that race was the overriding factor in the

drawing of the lines for the Texas Congressional districts. This table reports the exact same data as in Table C-1 except that in Table C-2 the data are organized by county rather than Congressional district. The pattern shown in each of the counties that are split is one in which almost always the sub-division was along racial or ethnic lines. For example, Dallas County is part of seven Congressional districts. The lines were drawn to place most of the minority African-American or Hispanic population in three districts (the 5th, 24th, and 30th districts), while the Anglo population shows predominant percentages in four districts (the 3rd, 4th, 6th, and 26th districts). In another example from Table C-2, Harris County is also divided into seven Congressional districts. There the lines were drawn to place most of the minority African-American or Hispanic population in three districts (the 18th, 25th, and 29th districts), while the Anglo population shows predominant percentages in four districts (the 7th, 8th, 9th, and 22nd districts). The same pattern applies for Bexar, Brazoria, Brazos, Comal, Ector, Fort Bend, Gregg, Guadalupe, Jim Wells, Lubbock, Midland, Montgomery, Nacogdoches, Smith, Tarrant, Tom Green, Travis, Waller, and Williamson counties. In each of those counties, the population on one side of a Congressional district line is more strongly minority while being more strongly Anglo on the other side of the line. I can infer from these data that race was an overriding factor in the line drawing for the Texas Congressional districts.

12. Yet another way to see how race is the overriding consideration used by Texas to create the Congressional districting plan is to view the maps of the split counties prepared by the staff of the Texas Legislative Council using the Redistricting Application System facilities. These maps, which will be offered as Plaintiffs' exhibits at trial, display the racial and ethnic breakdown of the total population within the split counties

at the Voting Tabulation District (VTD) level of geography along with lines demarking the Congressional district boundaries in each county. The maps showing African-American composition at the VTD level indicate clearly and dramatically that majority African-American VTDs lie overwhelmingly on one side of a Congressional district line while majority non-African-American VTDs lie overwhelmingly on the other side of a line. The same pattern holds in another set of maps for Hispanics, with a clear and overwhelming indication that majority Hispanic VTDs lie overwhelmingly on one side of a Congressional district line while majority non-Hispanic VTDs lie overwhelmingly on the other side of a line. A final set of maps were created to show the combined African-American and Hispanic composition of the VTDs in the split counties. The same pattern discussed above holds for these maps, with combined minority population VTDs lying on one side of a Congressional district boundary line, while Anglo majority population VTDs lying on the other side of a district boundary line. These sets of maps document clearly that race and ethnicity were driving the line drawing in the State of Texas' Congressional districting plan.

13. The question of whether or not several of the Congressional districts contained in the state's plan can be considered compact can be answered first by examining the map of the districts. A statewide map of the districts and the maps of the sub-divided county demonstrate clearly that several of the districts are not compact, particularly districts 3, 4, 5, 6, 8, 9, 12, 14, 15, 16, 18, 19, 21, 22, 23, 24, 25, 28, 29, and 30. A second way to assess the compactness of the district is to look at the professionally acceptable measures of compactness employed by political scientists in scholarly studies of compactness. These works are Richard H. Pildes and Richard G. Niemi, "Expressive Harms, 'Bizarre Districts,' and Voting Rights: Evaluating Election District

Appearances After Shaw", University of Michigan Law Review 92 (December 1993): 101-205, and Richard G. Niemi, Kimball W. Brace, and Doug Chapin, "Bright Lines, Guidelines, and Tradeoffs: The Conflict Between Compactness and Minority Representation in the Congressional Districts of the 1990s" (Paper presented at the 1993 Annual Meeting of the Midwest Political Science Assocation, Chicago, Illinois).

14. According to these two scientific studies, the Congressional districts of Texas can be classified by degrees of compactness. On the first professionally accepted measure of compactness, namely the dispersion compactness measure, a total of ten districts score below the highest brightline or cutoff point discussed in the studies--districts 4, 6, 15, 16, 19, 21, 23, 25, 29, and 30. On the second professionally accepted measure of compactness, namely the perimeter compactness measure, a total of 15 districts fall below the highest brightline or cutoff point considered in the studies--districts 3, 4, 5, 6, 8, 9, 12, 14, 18, 21, 22, 24, 25, 29, and 30. On the third and final professionally accepted measure of compactness, namely the population compactness measure, a total of 11 districts score below the highest brightline or cutoff point discussed in one of the studies--districts 4, 5, 6, 14, 18, 21, 22, 23, 25, 29, and 30. All three compactness measures vary between 0 (least compact) and 1 (most compact). These scores for a number of Texas Congressional districts are well below the lowest brightlines or cutoff points for measuring compactness as set out in Pildes and Niemi (1993), and Niemi, Brace, and Chapin (1992). Pildes and Niemi (1993: 183) report a total of six districts from Texas--districts 3, 6, 18, 25, 29, and 30--with either low dispersion (≤ 0.15) or perimeter (≤ 0.05) compactness scores. And Niemi, Brace, and Chapin (1993) report a total of four additional districts from Texas--districts 4, 14, 21, and 23--with low population (≤ 0.35) compactness scores. Thus, the two

studies together report that ten districts (or one-third of districts in the plan) score in the lowest category on one of the three compactness measures. The fact that the compactness scores for one-third of the state's districts fall well below the brightlines or cutoff points for the two studies substantiates that the total plan is not compact and has a very unusual configuration both in terms of geography and population concentrations.

15. The question of whether or not the districts in the Texas Congressional plan violate other traditional districting criteria can be addressed by an examination of tabular data on the splitting of counties and municipalities and by comparing a map of the state's plan with a map of cultural areas within Texas adapted from D. W. Meinig, Imperial Texas: An Interpretive Essay in Cultural Geography (Austin: University of Texas Press, 1969). Plaintiffs will present exhibits at trial reporting data relating to the splitting of counties and municipalities by the plan. A total of 35 counties are split by the plan, whereas a total of only 13 counties were split in the Congressional plan used throughout the 1980s. A large number of municipalities are split in the plan including many of the major and minor cities of the state. The fact that such a large number of municipalities are split suggests that little or no regard was given to political subdivision boundaries in drawing the plan. A comparison of a map of the state with a map of the cultural regions within Texas taken from the work of D. W. Meinig, Imperial Texas: An Interpretive Essay in Cultural Geography, reveals that a number of the districts traverse the cultural regions of Texas.

II. ANALYSIS OF PARTICIPATION AND POLARIZATION

A. Database

16. The database used in the electoral analysis in this preliminary report came from one source: the Redistricting Applications Office of the Texas Legislative Council. Data required to measure the racial and ethnic composition of each voting precinct was provided for the elections of 1988, 1990, and 1992. This office also provided me a tabulation of the total number of registered voters and the total number of voters who signed-in to vote for each election I have analyzed.

17. Election data for the years 1988 through 1992 were also provided by the Redistricting Applications Office at the precinct level for selected Democratic primary, runoff, or general elections for U.S. Congress, Attorney General, Railroad Commissioner, and positions on the state judiciary.

18. The demographic and election data produced through these procedures was then merged in order to enable me to conduct the regression and homogeneous precinct analyses described in the next subsection.

B. Methodology

19. A selected number of U.S. Congressional, state Railroad Commissioner, and state judicial Democratic primary, runoff, and general elections from 1988 through 1992 in precincts covered by each of the Congressional districts have been analyzed.

20. Analyses for all of these elections has included both bivariate ecological regression analysis and the complementary technique of extreme case or homogeneous precinct analysis. Both procedures were

those used in the Thornburg v. Gingles case to determine the extent to which whites and blacks differed in their voting behavior. These are procedures which I have employed in other voting rights cases. Regression analysis and extreme case analysis are described in more technical detail in Attachment D.

21. Such analyses produce estimates of the percentage of votes won by each of the candidates in an election from African-American and non-African-American voters, Hispanic and non-Hispanic voters, or Anglo and non-Anglo voters. These estimated racial and ethnic divisions enable one to determine if African-American, Hispanic, or Anglo voters act cohesively in support of their candidate of choice' in these elections. This estimation in turn enables one to determine the levels of participation by the three groups in the election and the levels of racial or ethnic polarization in voting.

22. While bivariate and extreme case analysis can produce satisfactory estimations for the purpose of determining levels of participation and racial or ethnic polarization in voting, the court should be aware that these remain estimations nevertheless. There are a host of imperfections necessarily involved in these analyses. So long as political scientists are not permitted to go inside the voting booth with voters, estimations of voting behavior must be approached with some measure of caution and with consideration of non-numeric factors.

C. Findings

23. The results of my analysis concerning patterns of participation differences between African-Americans, Hispanics, and Anglos in Texas and racially or ethnically polarized voting are as follows:

1. Participation

24. I have analyzed registration, turnout, and participation rates for the Democratic primary and general elections for U.S. Congress in 1988, 1990, and 1992 in Texas to determine the patterns of participation among African-Americans, Hispanics, and Anglos (see Attachment E). For the purposes of my analyses, I am looking at three dimensions of overall participation in the electoral process. Registration is simply measured as the proportion of the voting age population registered to vote for an election. Turnout is defined and measured as the proportion of persons of voting age who signed in to vote on the day of the election. Participation is defined as the proportion of persons of voting age who actually chose to vote in the Congressional election. (Participation is not to be confused with turnout which is defined as the proportion of persons of voting age who signed in to vote on the day of the election. Not all persons who turnout participate by casting a vote for a candidate in a Congressional election.)

25. In the 1992 general election held within the boundaries of the thirty Congressional districts of the Texas plan, voter registration rates as a percentage of the voting age in each district ranged from a low of 47.7 percent in Harris County's 29th district to a high of 80.2 percent in the 6th and 21st districts (see Attachment E). The turnout rate varied as well, with the range of persons signing-in to vote running from a low of 28.3 percent of the voting age population in the 29th district to a high of 67.4 percent in the 6th district. Finally participation rates vary too, with the range of persons casting a ballot in a Congressional election varying from a low of 25.9 percent of the voting age population in Bexar County's 20th district to a high of 63.9 percent in the 6th district. Note that this last measure of participation is sensitive to contesting, for when the Congressional general election is

uncontested the incentive is reduced for voters to cast a vote for that office. Also note that these rates of voter registration, turnout, and participation are not estimates, but real numbers produced by tabulating the number of persons registered, signed-in, or voting at any particular election and then dividing those counts by the number of persons of voting age in each district. These calculations are reported to provide a baseline to use when evaluating the estimates of registration, turnout, and participation for the three racial and ethnic groups in the state of Texas. Similar data are also reported for the 1988 and 1990 general elections held within the boundaries of the Congressional districts of that time.

26. In the 1992 Democratic primary election held within the boundaries of the thirty Congressional districts of the Texas plan, voter registration rates as a percentage of the voting age in each district display a similar pattern as in the general election of that year. Voter registration rates ranged from a low of 46.9 percent in the 29th district to a high of 75.1 percent in the 2nd district of east Texas (see Attachment E). The turnout rate across the districts in the Democratic primary varied more dramatically than in the general elections, with the range of persons signing-in to vote running from a low of 4.4 percent of the voting age population in the 7th district of Harris County to a high of 28.0 percent in the 2nd district. In a party primary election, turnout rates are sensitive to the partisan makeup of the district and contesting. The 7th district has a higher proportion of participants in the Republican primary than the Democratic primary, and hence the district's turnout rate in the Democratic primary should be low. Furthermore, there was no one contesting for the Democratic nomination that day for U.S. Congress. On the other hand, the 2nd district has a higher proportion of participants in the Democratic primary than in the Republican primary, and a contest for the Democratic nomination for U.S. Congress probably attracted those

Democrats to the polls on primary day. Finally the participation rates in Democratic primary contest for U.S. Congress vary too, particularly in comparison to the participation rates in the general election, with the range of persons casting a ballot in a Congressional primary election varying from a low of 0.0 percent of the voting age population in the 3rd and 7th districts (where no one ran for the Democratic nomination for Congress) to a high of 25.9 percent in the 2nd district (where there was a contest for the Democratic party nomination). Similar data are also reported for the 1988 and 1990 Democratic primary elections held within the boundaries of the Congressional districts of that time.

27. In the 1992 general election held within the boundaries of the thirty Congressional districts of the Texas plan, African-American voter registration rates are estimated as a percentage of the African-American voting age in each district. African-American persons are registered at higher rates than Anglos or Hispanics in the 9th, 18th, 24th, and 30th Congressional districts, and are relatively close to parity with another group in the 14th and 25th districts. Hispanic persons are registered at higher rates than Anglos or African-Americans in the 20th and 28th districts. African-Americans have a turnout (signed-in voters) advantage over the other two groups in only the 30th district, with African-Americans just slightly behind in the 18th district. In no district does the Hispanic turnout rate exceed the turnout rate of Anglos or African-Americans. The patterns of participation of African-Americans in the Congressional election are similar to the patterns of turnout, with the African-American rate of participation exceeding that of Anglos and Hispanics in the 18th and 30th districts. Hispanic participation is higher than Anglo or African-American participation in two districts-the 20th and 28th. The effect of these turnout and participation differences was to enhance the power of the African-American vote within

the 18th and 30th Congressional districts and the power of the Hispanic vote within the 20th and 28th districts beyond the level revealed among the voting age population.

28. I have also analyzed the general election registration, turnout, and participation rates in 1988 and 1990 for Congress in the precincts contained in the 27 districts used during the 1980s to elect members of Congress. In the old districts, African-American registration rates were higher in 1990 than Anglo or Hispanic rates in the 1st, 4th, 5th, 6th, 8th, 9th, 12th, 14th, 18th, 24th, and 25th districts. Hispanic registration rates were higher than Anglo or African-American rates in only the 20th district at the time of the 1990 general election. African-American registration rates were also higher than Anglo or Hispanic rates in the 1988 general election in the 1st, 4th, 5th, 6th, 8th, 9th, 12th, 14th, 18th, 19th, 24th, and 25th districts, while Hispanic rates were higher than Anglo or African-American rates in only the 20th district in that year.

29. My analyses of turnout rates in the 1990 and 1988 general elections show that African-Americans signed-in to vote at higher rates than Anglos or Hispanics in the 18th district in 1990 and in the 8th, 18th, 24th, and 25th districts in 1988. The Hispanic turnout rate was higher than the Anglo or African-American rate in none of the districts in 1990, while the Hispanic turnout rate was higher than the rates of the other groups in the 20th district in 1988.

30. My analyses of participation rates in the 1990 and 1988 general elections show that African-Americans voted in the Congressional elections at higher rates than Anglos or Hispanics in the 18th, 24th, and 25th districts in 1990 and in the 18th and 25th districts in 1988. The Hispanic participation rate was higher than the Anglo or

ability of the groups to influence the political process in not there are eleven districts under the current plan where the voting behavior of these two groups work to their advantage; and 6) the registration, turnout, and participation behavior of African-Americans and Hispanics under the old plan of the 1980s displays similar patterns revealed under the current plan, except that the influence of the two groups was more broadly spread under the old plan than under the new plan.

34. The analysis of participation is only one part of the overall electoral analysis. In order to determine the overall fairness of the districting plan, I also need to examine the extent of racial polarization in voting as well as the degree of cross-over support given to the candidates of choice of African-American and Hispanic voters by Anglo voters within the districts as well as the patterns of support that Hispanic voters give to African-American candidates and that African-Americans give to Hispanic candidates.

1. Racial or Ethnic Polarization in Voting

35. I have analyzed all of the contested general elections in Texas for U.S. Congress in 1992 under the current plan and in 1990 and 1988 under the old plan to determine the patterns of racially or ethnically polarized voting within each district. In addition, I have analyzed a set of five statewide elections within the boundaries of the minority-majority Congressional districts under the current plan and three statewide elections within the boundaries of the old Congressional districts for the districts with substantial minority populations. These elections include the Democratic primary and general elections for Railroad Commissioner and Court of Criminal Appeals Place 4 in 1992, the general election for Chief of Criminal Appeals Place 5 in 1992, the Democratic primary and general election for Attorney

General in 1990; and Democratic primary and runoff election for Court of Criminal Appeals Place 2 in 1990.

36. The analyses of the general elections races in 1992 and 1990 show that both African-Americans and Hispanics give strongly cohesive support to Democratic candidates in all of the elections for Congress and in the statewide elections held within the boundaries of the current and old Congressional districts.

37. In the Democratic primary elections for Congress in 1992, African-Americans were strongly cohesive in support of the African-American candidate in the district 30. In the other African-American majority district, Craig Washington, the incumbent Congressman from district 18, was unopposed. In 1990 Washington was also unopposed in his first bid for renomination within the 18th district.

38. In the Democratic primary elections for Congress in 1992, Hispanic voters were uncohesive in their support of either the Hispanic candidate or the Anglo incumbent in the four-candidate race in the 16th district. In district 29, Hispanic voters were uncohesive in their support of any candidate in five-candidate, although the group did give a slight majority of its support to Reyes one of three Hispanic candidates. In the runoff primary in that district, Hispanic voters were strongly cohesive in support of Reyes, but Green the Anglo candidate won with support from Anglos and cross-over support from African-Americans and some Hispanics. In 1990 all members of Congress were unopposed for renomination so it was impossible to conduct any analyses of elections held within Hispanic areas of South, Southwest, or Southeast Texas.

39. I also analyzed the statewide Democratic primary contests for Railroad Commissioner and Court of

Criminal Appeals Place 4 in 1992 and for Attorney General and Court of Criminal Appeals Place 2 in 1990. In the 1992 Democratic primary for the Court of Criminal Appeals Place 4 in which Morris Overstreet an African-American competed against Gene Kelly, African-American voters were strongly cohesive in supporting Overstreet in district 30 and moderately cohesive in their support of him in districts 18 and 29. Overstreet also competed for Place 2 on the Court of Criminal Appeals in the 1990 Democratic primary. He received moderately cohesive support from African-American voters in the old 5th, 18th, 20th, 24th, and 25th districts in that three-candidate contest. In the runoff primary election, he received strongly or moderately cohesive support from African-Americans within the same districts while narrowly losing the nomination.

40. In the Democratic primary elections for statewide office involving Hispanic candidates in 1992 or 1990, Hispanic voters were strongly cohesive in support of Guerrero the Hispanic candidate in the 1992 Railroad Commissioner 3 contest in the 15th, 16th, 20th, 27th, 28th, and 29th districts of the current plan and moderately cohesive in her support in district 23. Hispanic voters also were strongly cohesive in their support of Morales the Hispanic candidate in the 1990 Attorney General race in the 15th, 16th, 18th, 20th, 23rd, and 27th districts, while being moderately cohesive in the 24th district. Both Hispanic candidates won their nomination races statewide.

41. The analyses of racial and ethnic polarization in voting in the different recent elections held within the boundaries of the current minority-majority Congressional districts of Texas or within the old Congressional districts with substantial minority populations indicate that some racial or ethnic polarization in voting occurs, but for the most part the racial or ethnic polarization in voting is not legally or politically consequential. Candidates of choice

of African-American voters won all contests for the Congressional office in the 18th and 30th districts in 1992, while candidates of choice of Hispanic voters won all of the elections in 15th, 16th, 20th, 23rd, 27th, and 28th districts in 1992. In only the Democratic runoff for U.S. Congress in district 29 in 1992 did the candidate of choice of Hispanic voters lose. And this loss can be explained as much by the factional character of Hispanic politics in the city of Houston than by ethnically polarized voting given that the three Hispanic candidates won almost 70 percent of the vote in the district in the Democratic primary election. It should also be pointed out that the 29th district does not have an Hispanic citizen voting age population majority, but that a plurality of the citizen voting age population in the district is Anglo.

3. Reconstituted Election Return Analysis

42. Using actual precinct-level returns for the 1988, 1990, and 1992 elections analyzed above, it is possible to reconstitute the results of state elections into the boundaries of the Congressional districts adopted by Texas in 1991. These reconstituted results are reported for the 1988 Democratic Presidential Preference primary election when Jesse Jackson competed for the Democratic presidential nomination; the 1988 general election when Gonzalez was the Democratic Hispanic candidate for Justice of the Supreme Court Place 8; the 1990 Democratic primary and runoff elections when Morales was the Hispanic candidate for Attorney General and Overstreet was an African-American candidate for Court of Criminal Appeals Place 2; the 1990 general elections when Morales and Overstreet ran as Democratic candidates for Attorney General and Court of Criminal Appeals Place 4, respectively; the 1992 Democratic primary election when Guerrero was the Hispanic candidate for Railroad Commissioner 3 and Overstreet was an African-American candidate for Court of Criminal

Appeals Place 4; and the 1992 general election when Guerrero was the Democratic Hispanic nominee for Railroad Commissioner 3, Overstreet was the Democratic African-American nominee for Court of Criminal Appeals Place 4, and Benevides was the Democratic Hispanic nominee for Court of Criminal Appeals Place 6. The reconstituted returns for these 12 elections will be used to gauge the racial or ethnic competitiveness or safeness of the districts in the current state plan (see Attachment F).

43. The results of the six statewide contests involving an African-American candidate for the African-American majority Congressional districts 18 and 30 indicate that all six African-American candidates win the contests in the two Congressional districts, with the winning percentages being quite comfortable in both districts. In the reconstituted results for the six statewide Hispanic candidates, the Hispanic candidates who win statewide all win in each of the seven Hispanic total population majority districts. Even Guerrero the Democratic nominee for the Railroad Commissioner 3 position in 1992 carried six of the seven Hispanic majority districts, losing only the 23rd district in Southwest Texas. These analyses reveal that the candidates preferred by either African-American or Hispanic voters often achieved very comfortable margins of victory in each of the contests held within the precincts of the African-American or Hispanic minority-majority districts of Texas. The patterns of group participation and group cohesion, coupled with Anglo and other group cross-over voting all contributed to these margins of victory.

D. Safeness of Minority-Majority Congressional Districts

44. All of the above analysis on registration, turnout, and participation differences between African-Americans, Hispanics, and Anglos, on patterns in racial or

ethnic polarization in voting, and the reconstituted elections results analyses were undertaken to answer the question of whether or not the minority-majority Congressional districts in the current Texas plan are overly safe from the standpoint of assuring the election of a candidate of choice of African-American or Hispanic voters. Based on my analyses, the following districts as adopted by Texas and pre-cleared by the U.S. Department of Justice are overly safe in the general as well as in the Democratic primary and runoff elections: districts 17, 18, 20, 28, and 30.

III. ANALYSIS OF DISTRICTING ALTERNATIVES

45. In order to demonstrate whether or not more narrowly tailored plans were or can be created for Congressional districts that can achieve the same electoral results as the current state plan that are less violative of traditional districting criteria, I discuss two plans for Congressional districts rejected by the Texas State Legislature during 1991 as well as an alternative I have developed.

46. Analyses of two alternative plans found in the State of Texas submission to the U.S. Department of Justice indicates to me that the state had available to them at least two plans that were more narrowly tailored than the plan that Texas adopted and for which it sought preclearance. The two plans are C100 (Senator Eddie Bernice Johnson's initial plan) and 2402/C308 (the Pete plan). Senator Johnson's plan was offered to the Legislature and its committees in the Spring of 1991, while the plan created by Mr. Pete was offered as both committee and floor amendments during August 1991 by Rep. Greenwood from Tarrant County. Both plans would have been fair to racial and ethnic minorities in Texas by increasing the opportunity of those voters to elect candidates of choice in comparison to the plan of the

state, while at the same time be less violative of traditional districting criteria than is the current plan.

47. Using the computer resources of the Texas Legislative Council, I have created an alternative Congressional districting plan for the state of Texas to show that a more narrowly tailored plan can be constructed that pays more attention to traditional districting principles while still enabling African-American and Hispanic voters to elect candidates of choice from an equal number of Congressional districts as in the current plan.

48. Gingles Plan 1 which will be offered as one of plaintiffs' exhibits at trial includes two African-American districts--one in Dallas County and one in Harris County and Hispanic districts--one in San Antonio, one in El Paso County, one in Bexar County, one in South Texas with Hidalgo County as its major center, and one in the Southwest Texas, and one district in Harris County subject to substantial African-American and Hispanic influence. These districts are designed to be more competitive in both the Democratic primary and general elections in total and voting age population. Each of the minority-majority districts are also designed to be more compact than the comparable districts in the current state plan.

49. The minority-majority districts in Gingles Plan 1 will enable African-Americans to elect a candidate of choice in Democratic primary and general elections in districts 18 and 30, while Hispanic voters will be able to elect candidates of choice in districts 16, 19, 20, 23, 27, and 28. Taking into account the patterns of group participation in recent past elections as well as the cross-over support from Anglo and Hispanic, African-American candidates such as Anne Nelson and Morris

Overstreet would have been victorious in their respective elections in reconfigured districts 18 and 30 (see Attachment G). Likewise Hispanic candidates like Gonzalez, Morales, Guerrero, and Benevides would usually win elections within the confines of districts 15, 16, 20, 23, 27, and 28. Under the reconfigured Hispanic majority districts, Guerrero would have lost the general election in 1992 for Railroad Commissioner 3 in districts 20 and 28. However, she did comfortably win the Democratic primary election in those two districts. Based on these reconstituted election analyses, it also appears that district 29 would be competitive for both Hispanic and African-American candidates in the Democratic primary election and winnable in the general election. Thus, Weber Plan 2 is a fair plan to racial and ethnic minorities in Texas and has lines that pay more attention to traditional districting criteria than the current state plan.

Plaintiffs' Exhibit 037

Affidavit of Stefon R. Whiting, Sr.
from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 22, 1994

1. I am more than 18 years of age, and I have personal knowledge of the facts set forth in this affidavit.

2. I contract to Marc S. Zweben, P.C. as a private process server. At 8 P.M. on Tuesday, June 7, 1994, I picked up subpoenas duces tecum and notices of oral deposition duces tecum from Mr. Zweben, to be served on Mr. Matthew Hoyt Angle and Mr. Robert Mansker.

3. I attempted to serve Mr. Mansker and Mr. Angle as follows:

June 7, 1994:

I waited in the lobby of Mr. Mansker's apartment building at 1245 4th Street, S.W., Washington, D.C. 20024 from 8:30 P.M. to 10:30 P.M. I called his apartment (202/554-3708) from the lobby, and left two messages on his answering machine stating that I was a process server and that I had a subpoena for him from an attorney named Marc Zweben, and also providing my pager number. Mr. Mansker did not return my calls.

June 8, 1994:

I spent 4½ hours trying to serve Mr. Mansker at his office at the House Office Building, Annex 1, at 2nd Street and New Jersey Avenue , S.E., Washington, D.C. 20515, and Mr. Angle at his office at Room 2459 of the Rayburn Office Building, Washington, D.C. 20515.

I visited Mr. Mansker's office several times, and left messages with the receptionist, who said she did not know where Mr. Mansker was, that he would not be in all day, and that there was no phone number where he could be reached. I also spoke with an attorney named Scott Gordon, who told me that he did not know anything about Mr Mansker's whereabouts and told me to get out of the office or he would call the police.

I also visited Mr. Angle's office several times. Both receptionists said that they did not know where Mr Angle was, did not have a number where he could be reached, and could not say whether he would be coming in.

On the evening of June 8, 1994, I left several messages on both Mr. Mansker's and Mr. Angle's (703/524-3686) answering machines, again stating that I was a process server and that I had a subpoena from an attorney named Marc Zweben, and also providing my pager number. Neither Mr. Mansker nor Mr. Angle returned my calls. A woman who identified herself as Mrs. Angle said that she did not know where he was or when he would be home. Mr. Mansker did not return the calls that I made from the lobby. Nobody answered the door at the Hoyt residence.

June 9, 1994:

I visited Mr. Angle's office at approximately 9:30 A.M. The receptionist told me that Mr. Angle was not in, and to try back a little later. I returned at approximately 11:00 A.M., and the receptionist told me that Mr. Angle was working out of his house. I went to Mr. Angle's house at 4826 North 22nd Road, Arlington, Virginia 22207 at approximately 4:40, and nobody answered the door. I waited in my car for several hours, and saw Ms. Angle go in to the house at approximately 7:00 P.M. I approached Ms. Angle and told her that I had a package for her husband from Marc Zweben. She said that he was not home. I then called Mr. Zweben, who told me to give the subpoena and notice to Ms.

Angle. I returned to the house, at approximately 7:15 P.M. Ms. Angle was sitting on the front porch. I gave the subpoena and notice to her, and left.

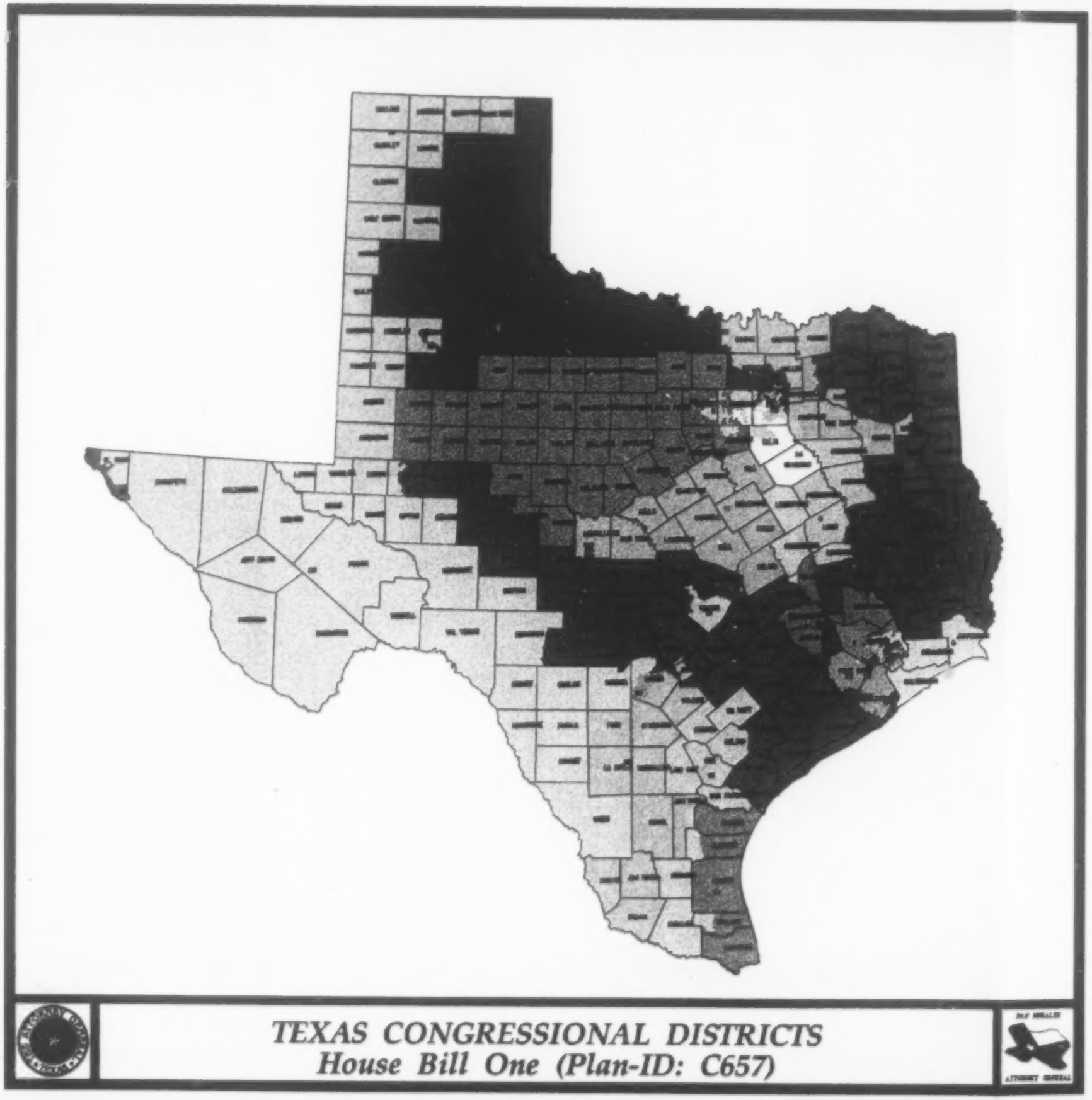
I visited Mr. Mansker's office twice in the morning, for a total of approximately one and one half hours. The receptionist would not let me in the office, and told me that Mr. Mansker would not be in. I visited Mansker's apartment building at approximately 7:45 P.M., after I gave Ms. Angle the subpoena and notice. I called up from the lobby and left a message on Mr. Mansker's answering machine giving my name, explaining that I had a subpoena and notice of deposition from Marc Zweben, and that he could reach me by leaving his number on my pager or a message on my answering machine. I waited at the apartment building, both in the lobby and outside in my car, for approximately one and one half hours. Mr. Mansker did not show up, and he never returned my calls.

Declaration Pursuant to 28 USC § 1746

I declare under penalty of perjury that the foregoing is true and correct. Executed on *June 22, 1994*.

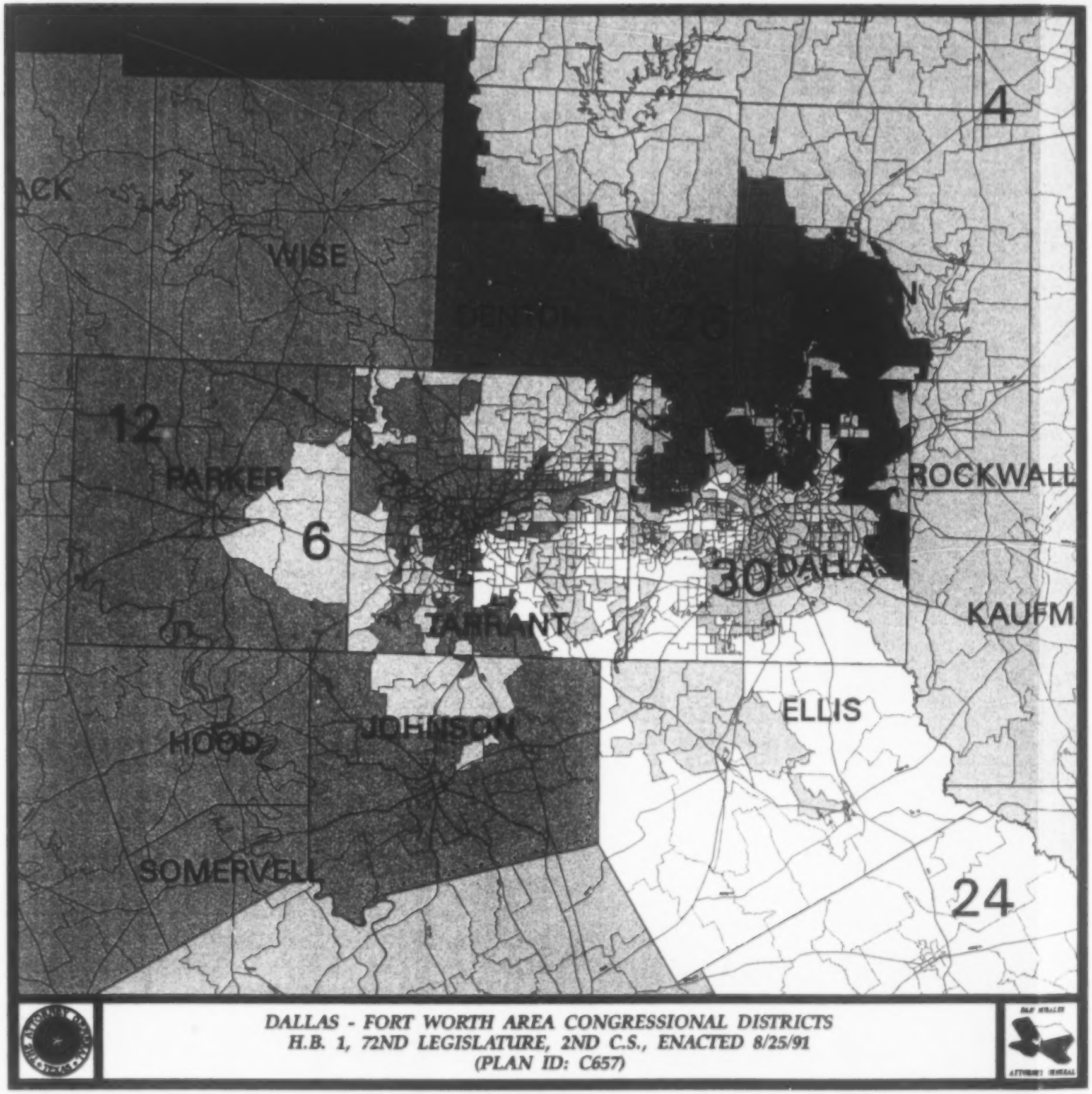
/s/
Stefon R. Whiting, Sr.

State's Exhibit 8(1)



TEXAS CONGRESSIONAL DISTRICTS
House Bill One (Plan-ID: C657)

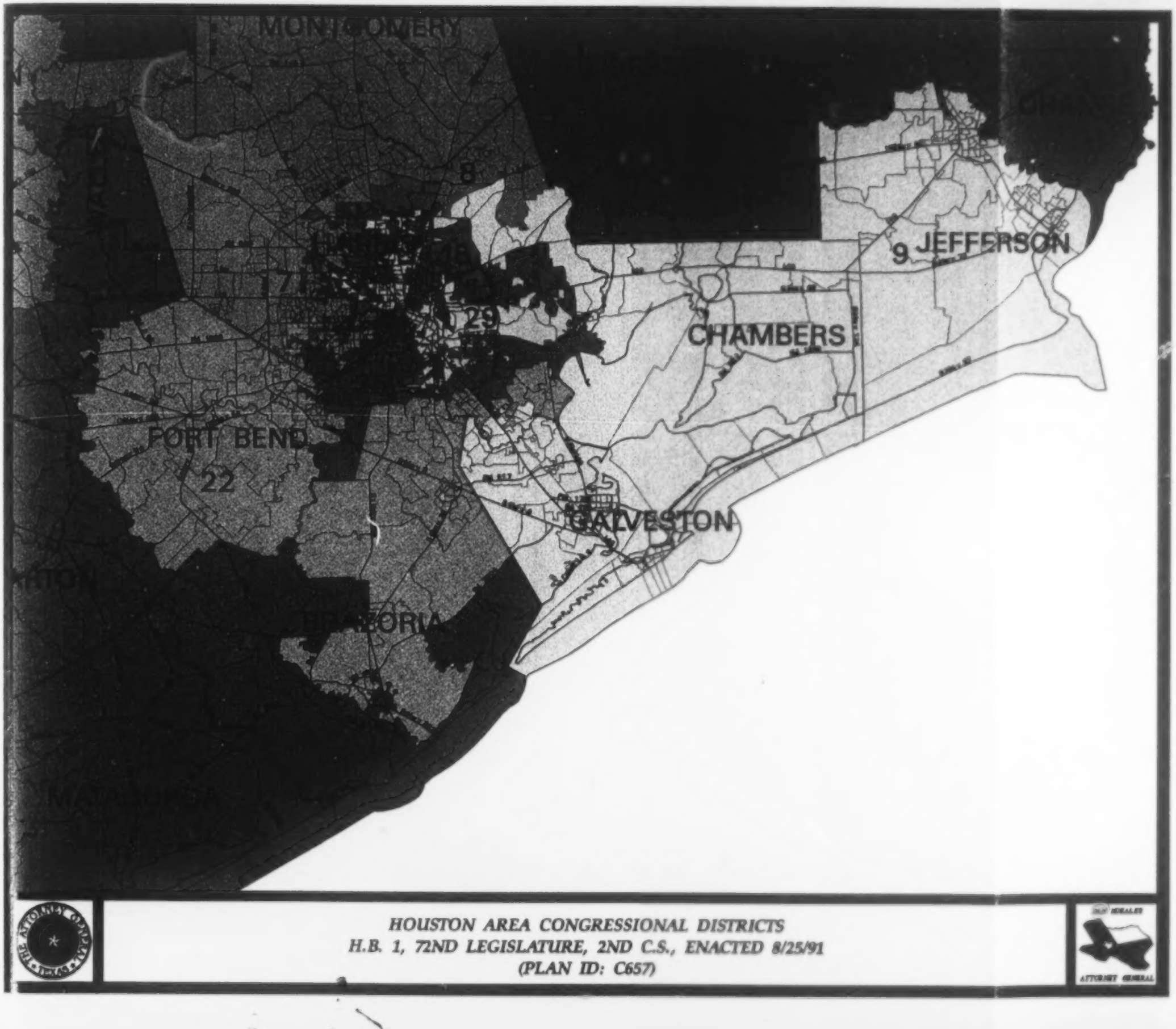
State's Exhibit 8(2)



DALLAS - FORT WORTH AREA CONGRESSIONAL DISTRICTS
H.B. 1, 72ND LEGISLATURE, 2ND C.S., ENACTED 8/25/91
(PLAN ID: C657)

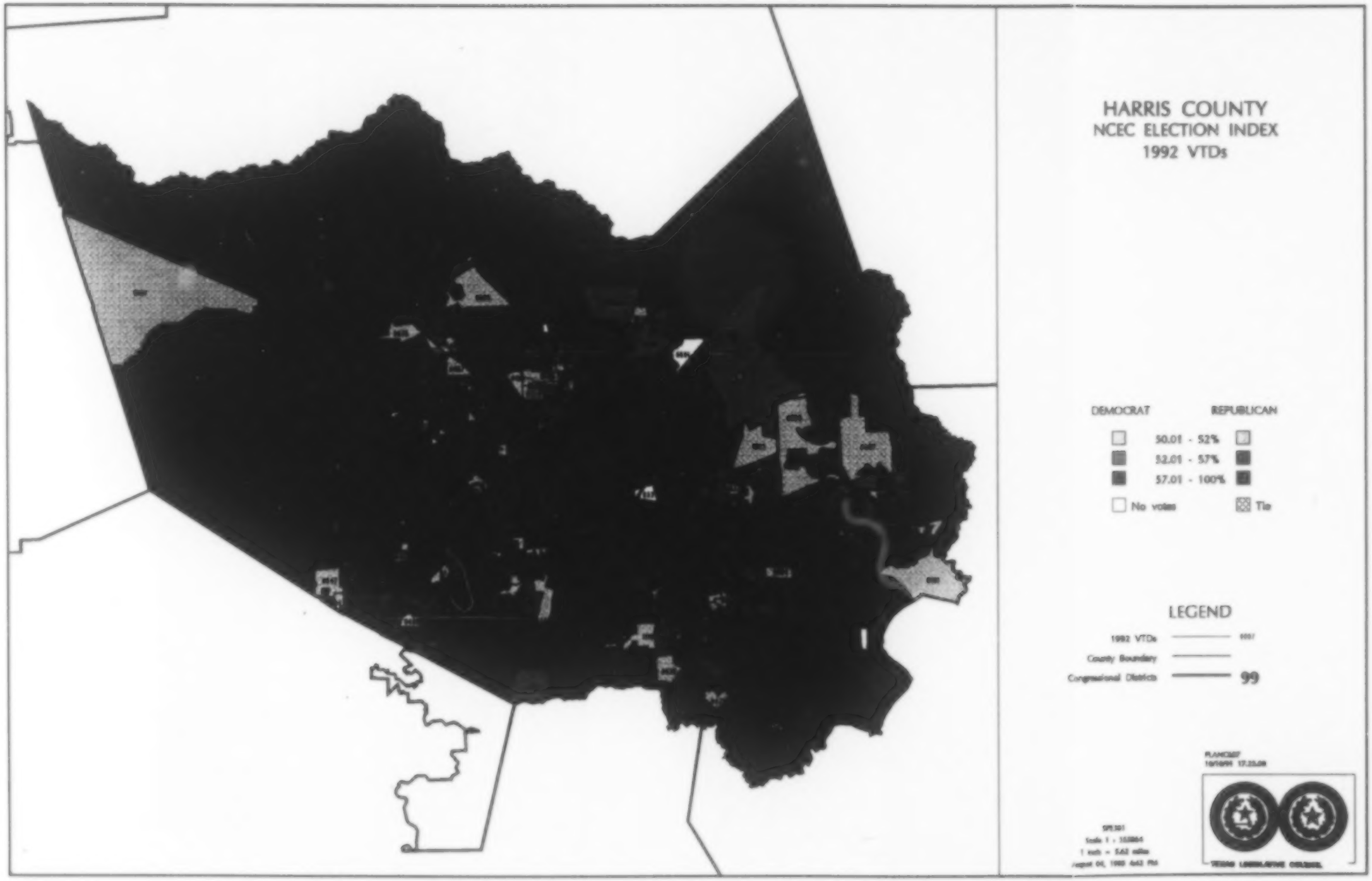
193

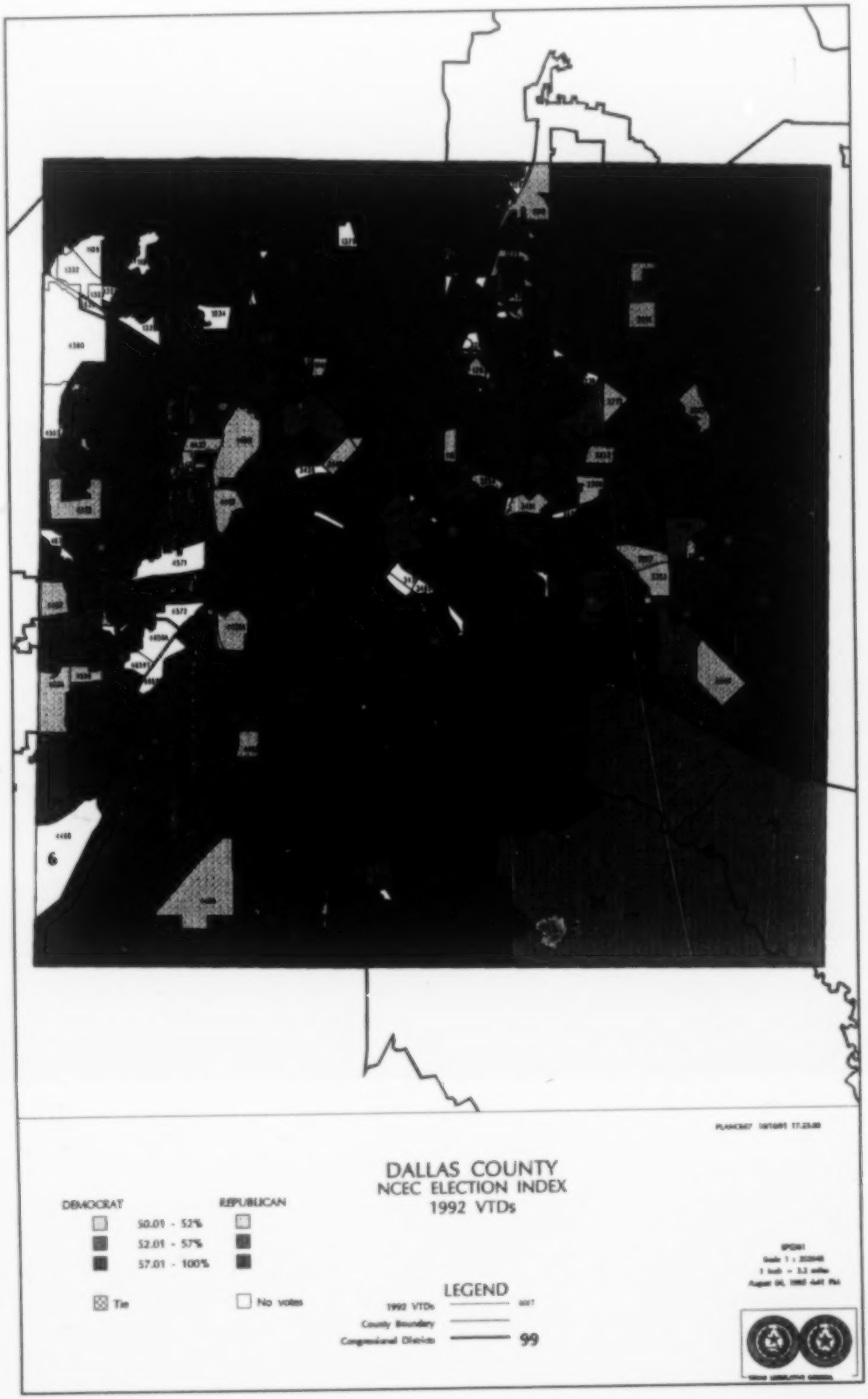
State's Exhibit 8(3



HOUSTON AREA CONGRESSIONAL DISTRICTS
H.B. 1, 72ND LEGISLATURE, 2ND C.S., ENACTED 8/25/91
(PLAN ID: C657)

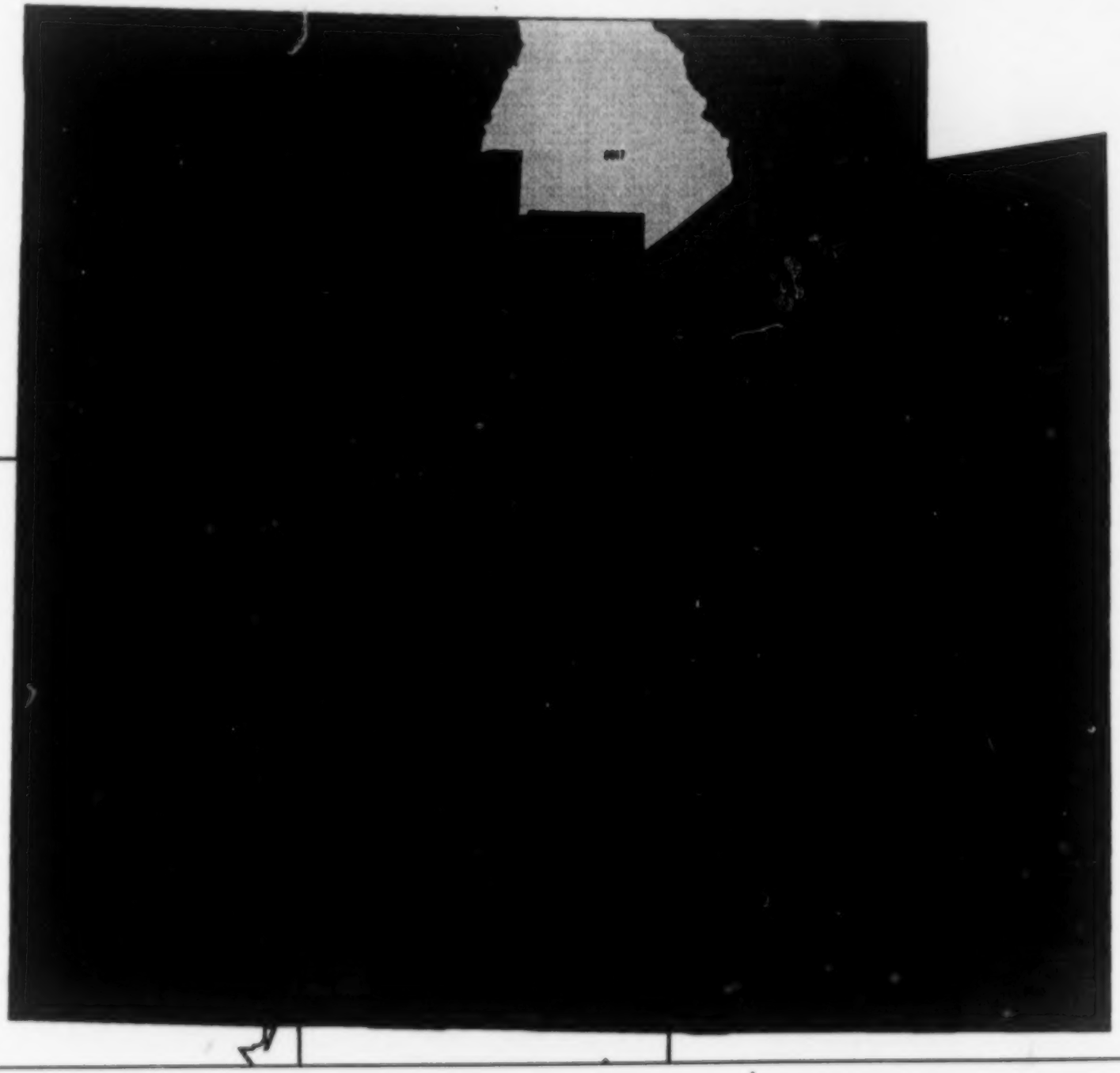
State's Exhibit 9A(1)





State's Exhibit 9A(2)

State's Exhibit 9B



COLLIN COUNTY
NCEC ELECTION INDEX
1990 VTDs

DEMOCRAT		REPUBLICAN
	50.01 - 52%	
	52.01 - 57%	
	57.01 - 100%	
No votes		Tie

LEGEND

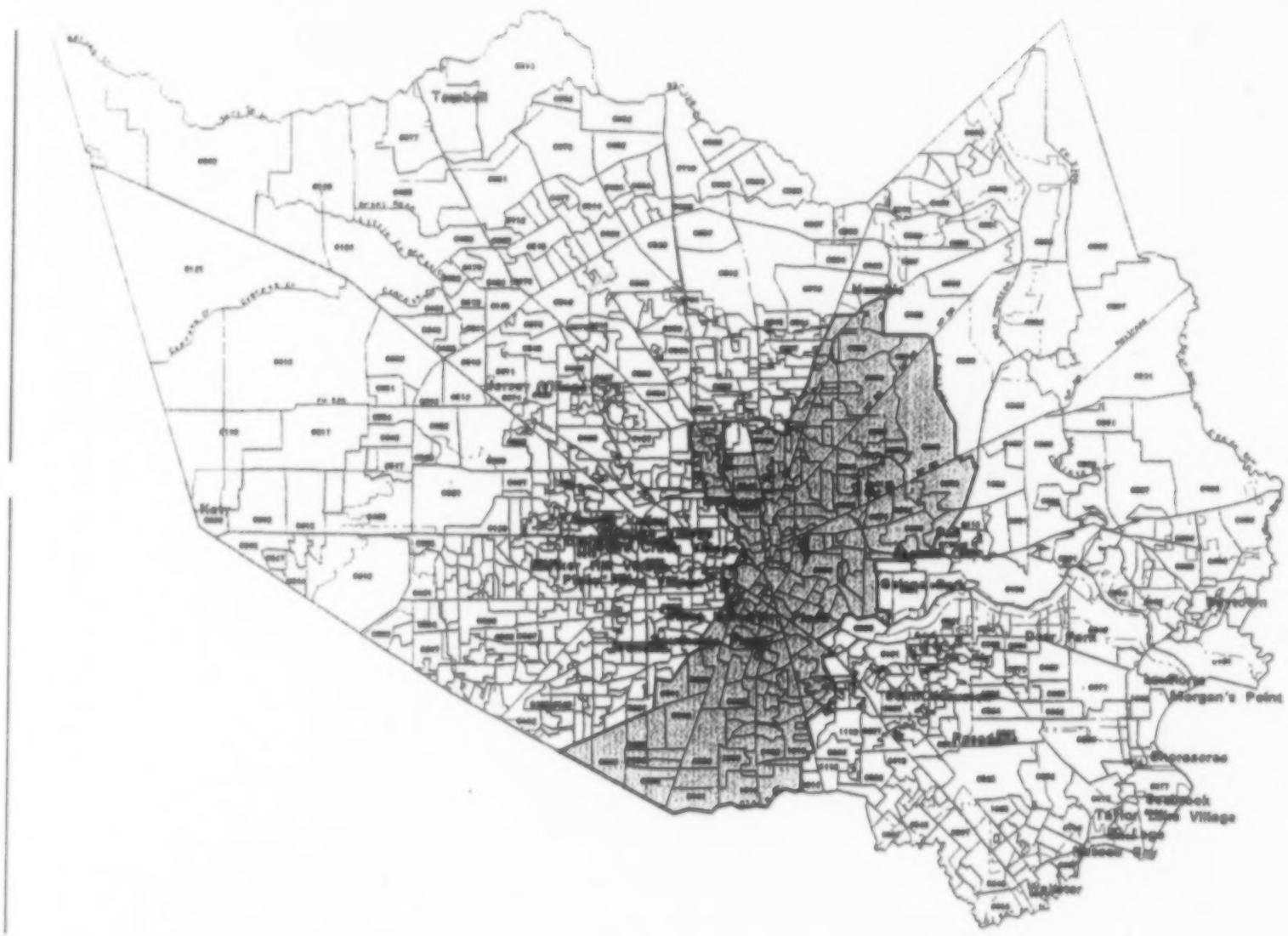
1990 VTDs — 1021
County Boundary
Congressional District — 99

PLANC187
10/10/91 17:33:00

SP1391
Scale 1 : 191038
1 Inch = 3.01 miles
August 04, 1998 8:43 PM

TEXAS LEGISLATIVE COUNCIL

State's Exhibit 12A



HARRIS COUNTY
Proposed Congressional Districts

LEGEND

1993 Special Precincts
City Limits — Austin

STATE'S EX. EXHIBIT A
H-94-0277

06/21/94 16:31:28

REDS40
Scale 1 : 355864
1 inch = 5.62 miles
June 22, 1994 8:30 AM

TEXAS LEGISLATIVE COUNCIL

From State's Exhibit 12A
Summary Sheets of Texas Legislative Council
Plan Population Analysis with County Subtotals

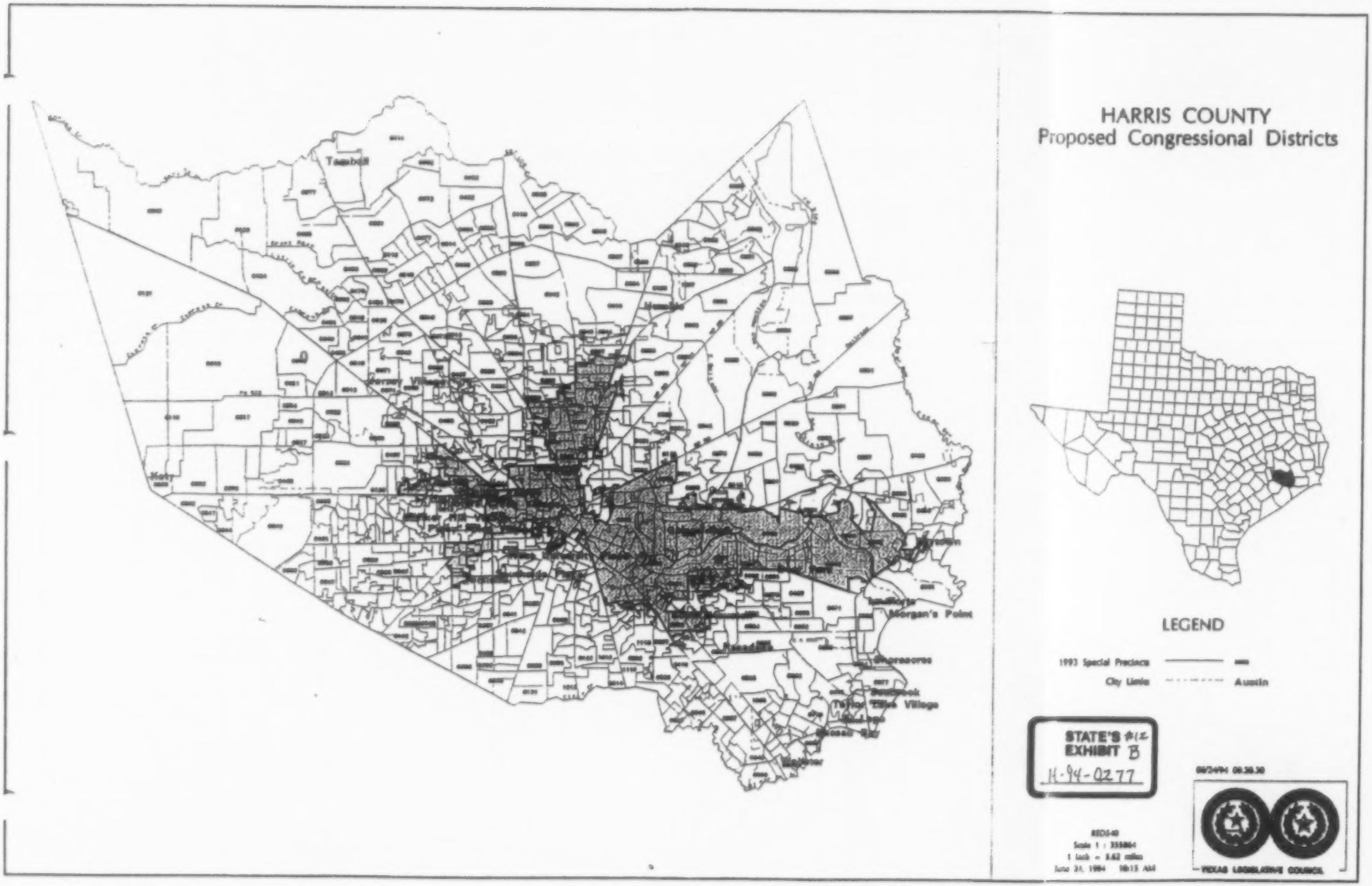
PAR200B
DATA: 1990 CENSUS
PLANID: 062194 16:31:29

TEXAS LEGISLATIVE COUNCIL - PAR
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

06/24/94
10:41:25
PAGE 1

-----COUNTY-----	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DIST. 018 TOTALS	566,194	287,635	188,738	471,346	85,353	9,495	50.8	33.3	83.2	15.1	1.7
HARRIS (20%)	566,194	287,635	188,738	471,346	85,353	9,495	50.8	33.3	83.2	15.1	1.7

State's Exhibit 12B



From State's Exhibit 12B
Summary Sheets of Texas Legislative Council
Plan Population Analysis with County Subtotals

PAR200B
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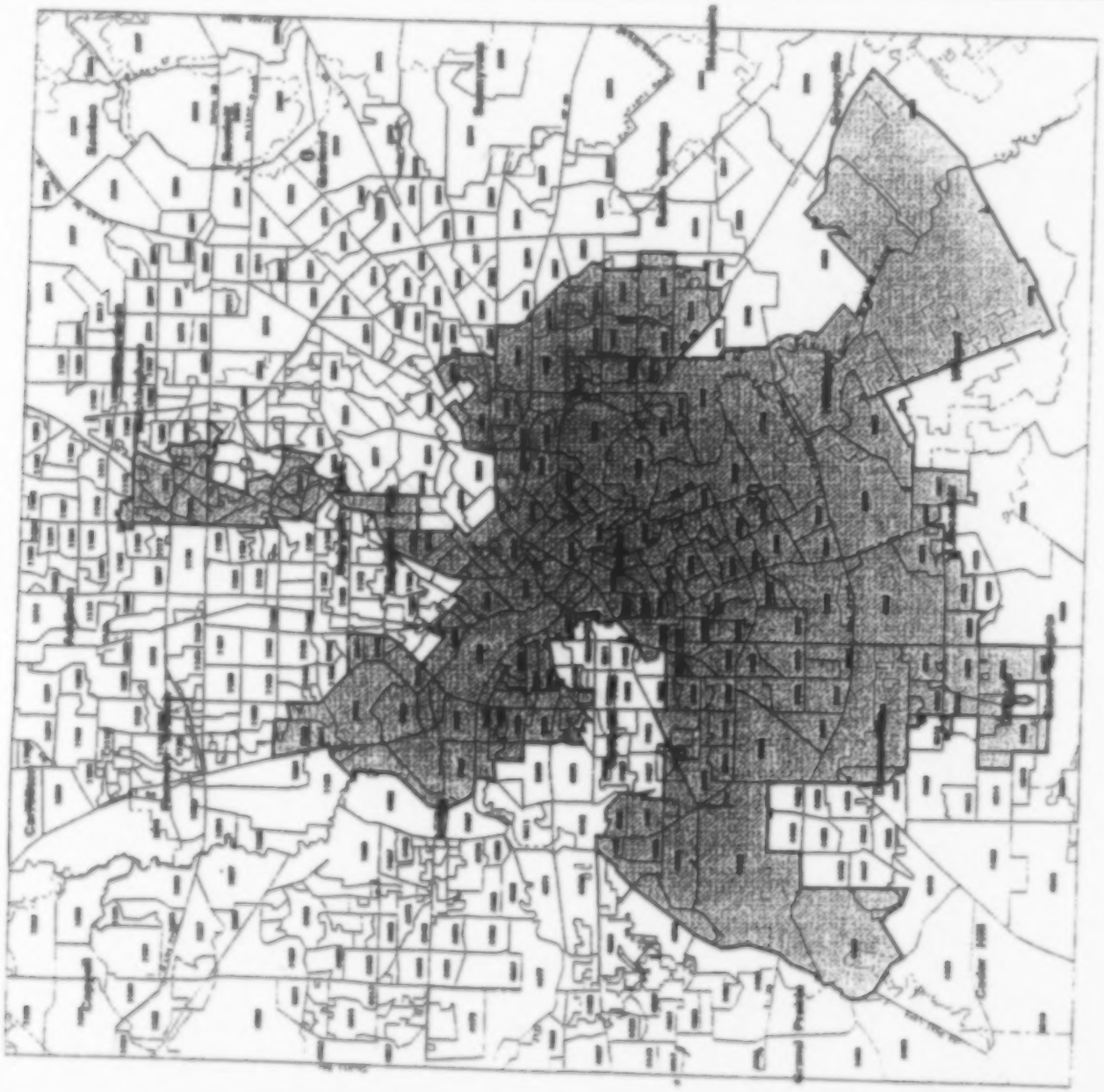
PLANID: 062494 9:28:30

TEXAS LEGISLATIVE COUNCIL - PAR
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

06/24/94
10:49:32
PAGE 1

-----COUNTY-----	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DIST. 029 TOTALS	566,210	63,856	336,651	396,709	157,153	12,348	11.3	59.5	70.1	27.8	2.2
HARRIS (20%)	566,210	63,856	336,651	396,709	157,153	12,348	11.3	59.5	70.1	27.8	2.2

State's Exhibit 12C



STATE'S EXHIBIT C
A-94-0277

DALLAS COUNTY
Proposed Congressional Districts

LEGEND
1993 Special Precincts
City Limits
Austin

From State's Exhibit 12C
Summary Sheets of Texas Legislative Council
Plan Population Analysis with County Subtotals

PAR200B
DATA: 1990 CENSUS
PLANID: 062494 8:34:43

TEXAS LEGISLATIVE COUNCIL - PAR
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

06/24/94
10:33:15
PAGE 1

-----COUNTY-----	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DIST. 030 TOTALS	566,166	281,365	112,175	388,588	166,040	11,538	49.7	19.8	68.6	29.3	2.0
DALLAS (31%)	566,166	281,365	112,175	388,588	166,040	11,538	49.7	19.8	68.6	29.3	2.0

State's Exhibit 14

FINAL REPORT OF ALLAN J. LICHTMAN
Vera v. Richards

Dated June 26, 1994

BACKGROUND AND EXPERIENCE

1. My name is Allan J. Lichtman and I am an adult resident citizen of the State of Maryland.

2. I am a Professor of History and formerly Associate Dean of the College of Arts and Sciences at The American University in Washington, D.C. I received my BA in History from Brandeis University in 1967 and my PhD in History from Harvard University in 1973, with a specialty in the mathematical analysis of social science data. My areas of expertise include political history, voting analysis, and quantitative methodology. A copy of my curriculum vitae, which accurately sets forth my professional qualifications and experience, is attached hereto.

3. I am the author of numerous scholarly works on quantitative methodology in social science. This scholarship includes articles in such academic journals as Political Methodology, Journal of Interdisciplinary History, and Social Science History. I have also coauthored with Dr. Laura Langbein, Ecological Inference, a standard text on the subject of inferring the behavior of population groups from data collected for political units. In addition, I have published articles on the application of the Voting Rights Act to social science analysis. This work includes articles in such journals as Journal of Law and Politics, La Raza, Evaluation Review, and National Law Journal.

4. My scholarship includes the use of quantitative and qualitative techniques to perform political and historical studies of voting, published in such academic journals as The Proceedings of the National Academy of Sciences, The American Historical Review, and The Journal of Social History. Quantitative and historical analysis also grounds my books, Predudice and the Old Politics: The Presidential Election of 1928 and The Thirteen Keys to the Presidency (co-authored with Ken DeCell).

5. I have worked as a consultant or expert witness for both plaintiffs and defendants in more than fifty federal voting rights cases. In addition, I have served as an expert witness in several state-wide redistricting cases including North Carolina, Texas, Virginia, New York, Florida, Louisiana, Maryland, Massachusetts, and Michigan. My experience includes work for Democratic and Republican interests, as well as for nonpartisan commissions. I have been admitted as an expert witness in voting rights, political history, political systems, statistical methodology, quantitative analysis of voting, and socioeconomic analysis, among other matters, in more than forty federal court cases in which I have presented oral or written testimony.

PURPOSE OF ANALYSIS

6. This inquiry compares the current state plan for electing congressional representatives in Texas with alternative plans proposed by plaintiffs in this litigation. The plans will be analyzed retrospectively, considering their likely consequences on the 1992 elections from the perspective of the 1991 redistricting process. The plans will also be analyzed prospectively, considering their likely consequences for the 1994 elections. The study considers whether there is a non-racial explanation for the configuration of the congressional districts in Texas. It

also explores the extent to which elections in Texas are polarized along racial lines, and the extent to which various plans provide minorities opportunities to elect candidates of their choice. The study will also briefly consider issues raised in the June 18, 1994 report of plaintiffs' expert, Dr. Ronald Weber. In particular, the study will examine the following questions:

1. How effectively do the state plan and alternatives proposed by plaintiffs meet a non-racial goal of protecting congressional incumbents?

2. To what extent are elections in the areas of the state's minority districts characterized by racially polarized voting among Anglos, blacks, and Hispanics?

3. How effectively do the state plan and alternatives proposed by plaintiffs provide minorities the opportunity to elect candidates of their choice?

SUMMARY OF FINDINGS

7. The social science literature indicates that redistricting is an inherently political process. Plans for the crafting of districts have political consequences that are understood and intended by the crafters. A common goal of redistricting is the protection of incumbent officeholders. Incumbency protection may extend to officeholders of the party in control of the redistricting process or to officeholders of both major parties. Rationales offered for legislatures adopting a goal of incumbency protection include the preservation of the seniority and influence of the congressional delegation.[1]

[1] For a discussion of the political nature of redistricting and of incumbency protection see generally, Bruce Cain, The Reapportionment Puzzle (Berkeley: University of California Press, 1984).

8. Texas elections in the areas in which the state created majority-minority districts are characterized by racially polarized voting between Anglos and minorities. Detailed analysis of primary elections presented in this study also shows that racially polarized voting occurs independently of party, within Democratic primary elections.

9. As indicated in the detailed demographic data presented in Appendix 1 of this report, the state's plan and three alternative plans proposed by plaintiffs -- their own plan developed by Dr. Ronald Weber and two plans developed during the redistricting process --all create nine districts with voting-age majorities of non-Anglo persons.[2] In the state's plan and the three alternatives, African-Americans are the predominant minority group in two of the nine minority districts and Hispanics are the predominant minority group in the remaining seven districts. However, there are clear political, non-racial reasons why the Texas legislature would reject any of the plaintiffs' alternatives (or other similar plans) in favor of its own alternative. All three alternative plans fall well short of the legislative goal of protecting congressional incumbents, both Democrats and Republicans. In contrast to the state's plan, each of the alternatives places in jeopardy at least 4 and as many as 7 incumbents, nearly all of them Democrats.

10. The alternative plans also reduce opportunities for minority voters in Texas to elect candidates of their choice and participate fully in the political process. This is particularly true of the plan crafted by plaintiffs' expert.

[2] Plaintiffs' expert has identified these plans as a plan developed by then State Senator Eddie Bernice Johnson (C500) and a plan termed the "Pate Plan" ((E401C508). The Pate plan is a private plan with restricted access. But the state's Attorney General's Office has identified what it believes to be a virtually identical plan (C606) that was made public during the redistricting process. All analysis of the "Pate Plan" are based on C606.

Plaintiffs' alternative plan effectively eliminates a minority opportunity district within Harris County. It also reduces the Hispanic percentages of Districts 20 and 28 to the point where they are no longer more likely than not to elect an Hispanic candidate of choice. While plaintiffs' plan fragments Hispanic voting strength in Harris and Bexar Counties it simultaneously packs Hispanics into District 15 at levels substantially higher than under the state's plan. Plaintiffs' plan creates a new District 15 that increases Hispanic voting age population by some 8 percentage points, despite the fact that Dr. Weber criticizes District 15 in his report as an "overly safe" Hispanic district.[3]

DATA AND METHOD

11. This study relies on a data base of election returns developed by the state of Texas for minority v. Anglo elections covering the period from 1986 to 1992. Data for the 1994 primary elections was not available at the time of the completion of this report. The data base includes precinct-by-precinct election returns for the state as well as precinct-by-precinct voting-age population data. The state also racially identified the race of the candidates competing in these elections.

12. The state's Attorney General's office also provided detailed demographic analysis of the districts in the state's plan as well as the districts in the various alternative plans proposed by plaintiffs. This office also provided the placement of incumbents within the districts of the various plans.[4]

---

[3] "Preliminary Report of Dr. Ronald Weber," June 18, 1994, p. 29.

[4] For alternative plans proposed by plaintiffs, the state was able to identify incumbent locations for all incumbents except Republicans Richard Armey in District 26 and Sam Johnson in District 3. The incumbency location of these representatives was kept in the initial districts for all alternative plans. No additional pairings of incumbents were created by this procedure.

13. Standard statistical methods were used to assess the partisan implications of the various plans and to assess racially polarized voting. These methods are described in detail in the relevant sections of this report.

INCUMBENCY PROTECTION

14. The current state of Texas plan for electing congressional representatives substantially protects incumbents of both the Democratic and Republican parties. Table 1 indicates that all 27 members of the Texas delegation were seeking reelection in 1992. Only the three newly formed districts -- 28, 29, and 30 -- had open-seat contests. Table 1 further indicates that, under the

TABLE 1
INCUMBENCY EFFECTS OF CURRENT STATE OF TEXAS CONGRESSIONAL PLAN*
(RESULTS EXPRESSED AS PERCENT DEMOCRATIC OF TWO-PARTY VOTE)**

DIST.	INCUMBENT PLACEMENT 1992	ACTUAL RESULTS 1992	PREDICTED PERCENT & PARTY OUTCOME 1992	INCUMBENT PLACEMENT 1994	PREDICTED PERCENT& PARTY OUTCOME 1994
1	D	100.00	64.78 (D)	D	64.78 (D)
2	D	56.30	65.80 (D)	D	65.80 (D)
3	R	.00	23.69 (R)	R	23.69 (R)
4	D	60.20	51.81 (D)	D	51.81 (D)
5	D	61.22	60.45 (D)	D	60.45 (D)
6	R	28.10	28.78 (R)	R	28.78 (R)
7	R	.00	22.81 (R)	R	22.81 (R)
8	R	23.30	23.22 (R)	R	23.22 (R)
9	D	55.20	58.04 (D)	D	58.04 (D)
10	D	72.08	63.07 (D)	D	63.07 (D)
11	D	67.34	60.13 (D)	D	60.13 (D)
12	D	62.77	60.04 (D)	D	60.04 (D)
13	D	60.35	61.58 (D)	D	61.58 (D)
14	D	71.41	57.57 (D)	D	57.57 (D)
15	D	60.43	57.46 (D)	D	57.46 (D)
16	D	51.89	63.12 (D)	D	63.12 (D)
17	D	66.09	62.30 (D)	D	62.30 (D)
18	D	66.52	71.78 (D)	O	65.90 (D)
19	R	22.62	32.39 (R)	R	32.39 (R)
20	D	100.00	59.52 (D)	D	59.52 (D)
21	R	24.77	26.97 (R)	R	26.97 (R)
22	R	31.10	27.96 (R)	R	27.96 (R)
23	D	39.29	58.04 (D)	R	46.28 (R)
24	D	59.80	59.73 (D)	D	59.73 (D)
25	D	57.49	60.24 (D)	O	54.36 (D)
26	R	26.89	23.20 (R)	R	23.20 (R)
27	D	56.55	58.83 (D)	D	58.83 (D)
28	O	100.00	61.31 (O)	D	67.19 (D)
29	O	65.86	60.64 (O)	D	66.52 (D)
30	O	74.02	67.22 (O)	D	73.10 (D)

* PREDICTED RESULTS BASED ON 1988 AND 1992 PRESIDENTIAL ELECTION RESULTS AND 1990 AND 1992 COURT OF CRIMINAL APPEALS RESULTS IN EACH DISTRICT.

** RESULTS OF 100% AND 0% INDICATE ELECTIONS WITH NO MAJOR-PARTY OPPOSITION, WON BY DEMOCRATIC AND REPUBLICAN CANDIDATES, RESPECTIVELY.

state's plan, no incumbents of either party are paired together in the same congressional district. Each member of Congress has the opportunity to compete for reelection in a district drawn to encompass only that particular member's home.

15. Actual results of Texas congressional elections, reported in Table 1 show that all but one incumbent -- Democrat Albert Bustamante in District 23 -- gained reelection. Special circumstances help explain Bustamante's defeat. At the time of the election he was under a cloud of charges of illegal and improper activities. Three months after the election, Bustamante and his wife were both indicted on federal felony charges.[5]

16. Further assessment of the current congressional districts is provided through the development of a multiple regression equation that, based on incumbency status and non-congressional election results in each district, estimates the two-party general election, congressional vote in each district. This is a standard approach to the partisan assessment of districts that I have used for examining congressional and state legislative plans in several other states, including Virginia, Maryland, Michigan, and New York. The Texas equation was developed by comparing the actual 1992 results in each district (excluding uncontested elections) with Democratic or Republican incumbency in each district as well as election results for the 1988 and 1992 presidential elections and all 1990 and 1992 Court of Appeals elections in the districts. The purpose of the equation is not to predict actual election results based on past elections, but to evaluate the underlying partisan structure of the districts based on incumbency and non-congressional elections. The equation can be applied to

[5] Michael Barone and Grant Ujifusa, eds., National Journal, The Almanac of American Politics 1994 (Washington D.C., 1994), p. 1263; Phil Duncan, ed., Congressional Quarterly, Politics in America 1994 (Washington D.C., 1994), p. 1516.

estimating the partisan outcomes of reconfigured districts, based on the placement of incumbents and the distribution of the noncongressional votes in the newly developed districts.[6]

17. As indicated in Table 1, the prediction equation produced estimates of 1992 congressional election results in each district that closely parallel the outcomes of the actual 1992 contests. Results from the equation diverge from the actual outcome of the congressional elections only for the Bustamante defeat in District 23.[7] The final set of results reported in Table 1 indicate that, based on this year's incumbency status and 1988 to 1992 election results, the equation produces no anticipated changes in outcome for 1994, with predicted victories by all incumbents competing for reelection.[8] Changing political conditions and unique features of individual contests could produce different 1994 results, but the analysis shows that the underlying structure of the plan itself highly favors incumbents of both parties.

18. Plaintiffs' alternative plan has a fundamentally different structure than the state's plan, with distinct

[6] For a general introduction to multiple regression analysis see, Hubert M. Blalock. Jr., Social Statistics (New York: McGraw Hill, 1979),451-497. For examples of applications to prediction equations for legislative election results see, for example, Amihai Glazer, Bernard Grofman, Marc Robbins, "Partisan and Incumbency Effects of 1970s Congressional Redistricting," American Journal of Political Science 30 (1987); Andrew Gelman and Gary King, "Estimating Incumbency Advantage Without Bias," American Journal of Political Science 34 (1990); Bruce E. Cain, "Assessing the Partisan Effects of Redistricting," American Political Science Review 79 (1985).

[7] The prediction equation has a squared correlation coefficient of .82, indicating that it can account for 82 percent of the variation from district to district in the Democratic percentage of the Texas congressional vote.

[8] Given that no new general elections have occurred since 1992, only changes in incumbency status will create a difference between the 1992 and 1994 results generated by the equation.

consequences for incumbents. The alternative plan would place in jeopardy one Republican incumbent and as many as seven Democratic incumbents. Based on the alignments of 1992, 11 incumbents would have been paired if the plan had been adopted at that time. Democrats would have been paired with Republicans in four districts (6, 19, 22, 28) including two Democrats in District 28, and Democrats would have been paired together in one district (4). In addition, Table 2 shows that incumbent Democratic representative Martin Frost would be placed in majority-minority District 30 in which African-American State Senator Eddie Bernice Johnson was also competing in 1992. This poses the possible loss of a Democratic incumbent in that districts or the possibility that an Anglo would be elected in the black-majority District 30 by solidifying a strong Anglo vote and drawing off sufficient black crossover votes.

19. Application of the prediction equation to election results obtained for the districts in the alternative plan shows that Republican incumbents would have been favored over Democratic incumbents in three of four of the districts in which members of the two parties are paired together. Moreover, Republican candidates would have been favored over Democratic candidates in all open seats created by the pairing of incumbents under plaintiffs' plan. If plaintiffs' plan had been in effect in 1992 the anticipated result based on incumbency and non-congressional elections would have been the defeat of one Republican incumbent and 6 to 7 Democratic incumbents. Thus, independent of race, this plan or any roughly comparable plan would have been anathema to a Democratic legislature seeking to protect incumbents.

20. Table 2 also reveals that similar consequences would be expected for 1994, under plaintiff's alternative plan. If adopted for the 1994 elections, the plan would pair 13 incumbents. Democrats would be paired with Republicans in four districts (6, 19, 22, and 28) including

two in District 28, and Democrats would be paired together in two districts (4 and 30). Republican incumbents are favored over Democratic incumbents in three of four districts in which members of the two parties are paired together. Finally, Table 2 reveals that, based on incumbency status and prior election results, Republican candidates would be favored over Democratic candidates in all open seats created by the pairing of incumbents under plaintiffs' plan.

21. If plaintiffs' plan was put into effect for 1994, the anticipated result would be a loss of six Democratic incumbents and one Republican incumbent. Actual results may be less favorable to Democrats, given that the party in control of the White House is almost always disadvantaged in midterm elections. The elections of 1934 are the only midterm elections in U.S. history in which the presidential party increased in percentage of seats in the House of Representatives.[9]

22. Plaintiffs' expert Dr. Ronald Weber has also put forth two additional plans that had been drawn during the redistricting process: one developed by then State Senator Eddie Bernice Johnson (C500) and another known as the "Pate Plan" (E401C508). As with plaintiffs' alternative plan, these plans fail to meet the state's goal of incumbency protection. Independent of race, the Johnson plan was inconsistent with this objective of the redistricting process.

23. The Johnson plan places in jeopardy one Republican incumbent and as many as four Democratic incumbents. Table 3 reveals that based on the alignments of 1992, 7 incumbents would have been paired if the plan had been adopted at that time. One Democrat would have been paired with one Republican in one district (22), two Democrats would have been paired with one Republican

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[9] Allan J. Lichtman and Ken DeCell, The Thirteen Keys to the Presidency (Lanham: Madison Books, 1990), p. 255.

in one district (18), and two Democrats would have been paired together in one district (30). In addition, incumbent Democratic representatives Martin Frost and John Bryant would have been placed in majority-minority District 30 in which African-American State Senator Eddie Bernice Johnson was also competing. This poses the possible loss of two Democratic incumbents in that district or the possibility that an Anglo would be elected in the black-majority

TABLE 3
INCUMBENCY EFFECTS OF
EDDIE BERNICE JOHNSON PLAN (C500)
STATE OF TEXAS CONGRESSIONAL ELECTIONS *

DISTRICT	INCUMBENT PLACEMENT 1992	PREDICTED PERCENTAGE RESULTS & OUTCOMES 1992	INCUMBENT PLACEMENT 1994	PREDICTED PERCENTAGE RESULTS & OUTCOMES 1994	PREDICTED CHANGE IN INCUMBENCY 1992	1994
1	D	65.58 (D)	D	65.58 (D)		
2	D	60.87 (D)	D	60.87 (D)		
3	R	26.45 (R)	R	26.45 (R)		
4	D	51.67 (D)	D	51.67 (D)		
5	O	46.75 (R)	O	46.75 (R)		
6	R	31.75 (R)	R	31.75 (R)		
7	O	30.00 (R)	O	30.00 (R)		
8	R	24.43 (R)	R	24.43 (R)		
9	D	60.20 (D)	D	60.20 (D)		
10	D	62.41 (D)	D	62.41 (D)		
11	D	59.70 (D)	D	59.70 (D)		
12	D	55.29 (D)	D	55.29 (D)		
13	D	59.13 (D)	D	59.13 (D)		
14	O	47.98 (R)	O	47.98 (R)		
15	D	61.23 (D)	D	61.23 (D)		
16	D	62.76 (D)	D	62.76 (D)		
17	D	61.17 (D)	D	61.17 (D)		
18	2D/R	65.57 (D)	R	65.57 (D)	-1D/1R	-1R
19	R	35.67 (R)	R	35.67 (R)		
20	D	55.73 (D)	D	55.73 (D)		
21	R	29.44 (R)	R	29.44 (R)		
22	D/R	34.31 (R)	D/R	34.31 (R)	-1D	-1D
23	D	58.94 (D)	R	47.18 (R)		
24	O	61.48 (R)	O	61.48 (R)		
25	O	48.77 (R)	O	48.77 (R)		
26	R	26.18 (R)	R	26.18 (R)		
27	D	59.15 (D)	D	59.15 (D)		
28	O	57.57 (D)	D	57.57 (D)		
29	O	53.04 (D)	D	58.92 (D)		
30	2D	69.49 (D)	3D	69.49 (D)	-1D**	-2D

• PREDICTED RESULTS BASED ON 1988 AND 1992 PRESIDENTIAL ELECTION RESULTS AND 1990 AND 1992 COURT OF CRIMINAL APPEALS RESULTS IN DISTRICT.

•• IN 1992 THE PLAN WOULD HAVE PLACED INCUMBENT DEMOCRATIC CONGRESSMAN MARTIN FROST AND INCUMBENT CONGRESSMAN JOHN BRYANT IN BLACK PLURALITY DISTRICT 30, IN WHICH BLACK STATE SENATOR EDDIE BERNICE JOHNSON WAS COMPETING.

District 30 by solidifying a strong Anglo vote and drawing off sufficient black crossover votes. Application of the prediction equation to election results obtained for the districts in the Johnson plan shows that if the Johnson plan had been adopted in 1992, the anticipated result based on incumbency and non-congressional elections would have been the defeat of one Republican incumbent and 3 to 4 Democratic incumbents.

Thus, independent of race, this plan would not have fulfilled the objectives of a Democratic legislature seeking to protect incumbents.

24. Table 3 also reveals that similar consequences would be expected for 1994, under the Johnson plan. If adopted for the 1994 elections, the plan would pair 5 incumbents. One Democrat would be paired with one Republican in one district (22), and three Democrats would have been paired together in one district (30). If the Johnson plan was put into effect for 1994, the anticipated result would be a loss of three Democratic incumbents and one Republican incumbent. Again, actual results may be less favorable to Democrats in this midterm election.

25. The equivalent of the Pate plan (C606) places in jeopardy one Republican incumbent and as many as six Democratic incumbents. Table 4 reveals that based on the alignments of 1992, 8 incumbents would have been paired if the plan had been adopted at that time. One Democrat would have been paired with one Republican in one district (20), and two Democrats would have been paired together in three districts (13, 24 and 25). In addition, incumbent Democratic

TABLE 4
INCUMBENCY EFFECTS OF
PATE EQUIVALENT PLAN (C606)
STATE OF TEXAS CONGRESSIONAL ELECTIONS *

DISTRICT	INCUMBENT PLACEMENT 1992	PREDICTED PERCENTAGE RESULTS & OUTCOMES 1992	INCUMBENT PLACEMENT 1994	PREDICTED PERCENTAGE RESULTS & OUTCOMES 1994	PREDICTED CHANGE IN INCUMBENCY 1992	1994
1	D	64.00 (D)	D	64.00 (D)		
2	D	60.01 (D)	D	60.01 (D)		
3	R	25.95 (R)	R	25.95 (R)		
4	D	38.58 (R)	D	38.58 (R)	-1D	-1D
5	O	39.22 (R)	O	39.22 (R)		
6	R	39.10 (R)	R	39.10 (R)		
7	R	23.95 (R)	O	23.95 (R)		
8	O	31.03 (R)	R	31.03 (R)		
9	D	64.55 (D)	D	64.55 (D)		
10	D	62.42 (D)	D	62.42 (D)		
11	D	61.55 (D)	D	61.55 (D)		
12	D	59.89 (D)	D	59.89 (D)		
13	2D	55.30 (D)	2D	55.30 (D)	-1D	-1D
14	D	51.22 (D)	D	51.22 (D)		
15	D	57.69 (D)	D	57.69 (D)		
16	D	62.79 (D)	D	62.79 (D)		
17	O	56.01 (D)	D	56.01 (D)		
18	R	59.59 (D)	D/R	65.57 (D)	-1R	-1R
19	R	34.11 (R)	R	34.11 (R)		
20	D/R	45 90 (R)	D/R	45 90 (R)	-1D	-1D
21	D	41.10 (R)	R	41.10 (R)	-1D	
22	R	27.83 (R)	R	27.83 (R)		
23	O	56.87 (D)	D	62.75 (D)		
24	2D	76.39 (D)	3D	76.39 (D)	-1D	-2D
25	2D	51.71 (D)	O	45.83 (R)	-1D	
26	R	30.50 (R)	R	30.50 (R)		
27	D	60.61 (D)	D	60.61 (D)		
28	O	59.62 (D)	O	59.62 (D)		
29	O	48.56 (R)	O	48.56 (R)		
30	O	64.46 (D)	O	64.46 (D)		

* PREDICTED RESULTS BASED ON 1988 AND 1992 PRESIDENTIAL ELECTION RESULTS AND 1990 AND 1992 COURT OF CRIMINAL APPEALS RESULTS IN DISTRICT.

** IN 1992 THE PLAN WOULD HAVE PLACED INCUMBENT DEMOCRATIC CONGRESSMAN MARTIN FROST AND INCUMBENT CONGRESSMAN JOHN BRYANT IN BLACK PLURALITY DISTRICT 30, IN WHICH BLACK STATE SENATOR EDDIE BERNICE JOHNSON WAS COMPETING.

representatives Martin Frost and John Bryant would have been placed in majority-minority District 24 in which African-American State Senator Eddie Bernice Johnson was also competing in 1992. This poses the same situation as that created in the Johnson plan described above. Application of the prediction equation to election results obtained for the districts in the Pate equivalent plan shows that if the Pate equivalent plan had been adopted in 1992, the anticipated result based on incumbency and non-congressional elections would have been the defeat of one Republican incumbent and 6 Democratic incumbents. Again, independent of race, this plan would not have fulfilled the objective of incumbent protection.

26. Table 4 also reveals that similar consequences would be expected for 1994, under the Pate equivalent plan. If adopted for the 1994 elections, the plan would pair 9 incumbents. One Democrat would be would be paired with one Republican in two districts (18, and 20), two Democrats would have been paired together in one districts (13), and three Democrats would have been paired together in one districts (24). If plaintiffs' plan was put into effect for 1994, the anticipated result would be a loss of five Democratic incumbents and one Republican incumbent. Again, actual results may be less favorable to Democrats in this midterm election.

MINORITY OPPORTUNITIES : RACIALLY POLARIZED VOTING

27. The state's plan, the plaintiffs' alternative plan, and Johnson's plan all create 9 districts with non-Anglo population and voting-age populations of about 50 percent or more.[10] All three plans also create 21 districts with

[10] One of the 9 districts in the alternative plan (29) has a 54.9 percent black plus Hispanic population percentage and a 49.6% black plus Hispanic voting-age population. Its Anglo voting age

Anglo voting age populations greater than 60 percent. These districts can be categorized as "safe" seats for the candidates of choice of Anglo voters, or minimally as seats in which Anglos candidates of choice are more likely than not to gain election. Thus in a state with a 61 percent Anglo population and a 64 percent Anglo voting age population, 70 percent of the seats (21 of 30) under all plans are safe seats for Anglo candidates of choice, or minimally seats in which the Anglo candidate of choice is more likely than not to be elected.[11] The main differences among the plan lies in their distribution of minorities and Anglos into the remaining nine districts.

28. Of importance to a legislature seeking to assess plans with respect to complying with Section 5 and Section 2 of the Voting Rights Act is the presence of polarized voting between Anglo and minority voters. Such polarized voting is evident in Texas elections, whether analysis is limited to the period through 1990 or updated to include the 1992 elections.[12] Racial polarization in voting takes place independent of party, within the Democratic primary elections that are crucial to the electoral success of the candidates of choice of minority voters.

percentage is 46.7 percent. Members of other races account for the remaining 3.7 percent.

[11] The term "safe" seat is often used with a variety of meanings. By "safe" seat for either Anglos or a minority group Hispanics I do not mean a seat that is predetermined to elect an Anglo or a minority candidate of choice. Rather I mean a seat that, based on past electoral patterns, would be projected to provide a substantial electoral majority in primary and general elections to an Anglo or a minority candidate of choice. See, Allan J. Lichtman and Gerald Hebert, "A General Theory of Vote Dilution," La Raza (1993), p. 13-14.

[12] The Attorney General's Office is still engaged in processing 1994 primary election results. The analysis will be updated if such results become available.

29. Within Democratic primary elections voting is polarized along racial lines in all of the areas in which the state created minority districts. Appendix 2 of this report presents results of ecological regression analyses of minority v. Anglo Democratic primary elections, for the period 1986 to 1992, in all nine majority-minority districts created by the current state plan. The Appendix also includes a detailed methodological discussion. The analysis includes statewide elections, congressional and state legislative elections with at least 50% overlap in the district, and local elections (except local judicial elections) that overlap the entire district (or substantially all the district for districts with small overlaps outside a single county). To eliminate marginal candidacies, I have followed my past practice and used a minimum competitiveness standard of 15 percent.[13] The analysis includes an average of 16 elections per congressional districts. This is a far larger and less select corpus of primary elections that the elections chosen for analysis by plaintiffs' expert.[14]

30. Table 5 summarizes the results of the ecological regression analysis presented in Appendix 2, first for districts with Hispanic pluralities and second for districts with black pluralities under the state's plan. The Table provides four summary measures for the black and Hispanic districts: all elections, pre-1992 elections, non-judicial elections, and legislative elections (Congress and state legislature). Table 5 shows a usual pattern of substantial polarization across all districts and all categories of analysis. For the seven Hispanic Districts, Table 5 shows that in each of the four categories a mean of at least 77 percent of Hispanic voters voted for Hispanic candidates. In contrast, Table 5 shows that for

[13] Under this standard, the minority candidate or candidates and the white candidate or candidates must receive at least 15 percent of the vote cast.

[14] Preliminary Weber Report, p. 23.

these districts a mean of 21 percent or less of Anglo voters voted for Hispanic candidates. For the two African-American Districts, Table 5 shows that in each of the four categories a mean of at least 75 percent of black voters voted for black candidates. In contrast, Table 5 shows that for these districts a mean of 34 percent or less of Anglo voters voted for black candidates. In three of four categories for the black districts, a mean of 25 percent or less of Anglo voters voted for black candidates.

31. The results of ecological regression analysis are also corroborated by an extreme case analysis that examines voting patterns in precincts with 90 percent or greater Anglo, Hispanic, and black voting-age populations respectively. Heavily Anglo

TABLE 5: SUMMARY ECOLOGICAL REGRESSION ANALYSIS: HISPANIC DISTRICTS MINORITY VS. ANGLO ELECTIONS CURRENT TEXAS CONGRESSIONAL DISTRICTS*

I. ALL ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR HISP CANDS	MEAN % HISP. VOTERS VOTING FOR HISP CANDS
DIST. 15 (11 ELECTIONS)	26%	89%
DIST. 16 (18 ELECTIONS)	31%	74%
DIST. 20 (15 ELECTIONS)	15%	75%
DIST. 23 (10 ELECTIONS)	10%	80%
DIST. 27 (12 ELECTIONS)	29%	81%
DIST. 28 (9 ELECTIONS)	6%	79%
DIST. 29 (12 ELECTIONS)	5%	89%
MEAN ALL DISTRICTS	**17%**	**81%**

II. PRE-1992 ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR HISP CANDS	MEAN % HISP. VOTERS VOTING FOR HISP CANDS
DIST. 15 (8 ELECTIONS)	22%	87%
DIST. 16 (11 ELECTIONS)	30%	79%
DIST. 20 (9 ELECTIONS)	6%	74%
DIST. 23 (8 ELECTIONS)	9%	81%
DIST. 27 (11 ELECTIONS)	27%	81%
DIST. 28 (8 ELECTIONS)	7%	78%
DIST. 29 (6 ELECTIONS)	5%	84%
MEAN ALL DISTRICTS	**15%**	**81%**

III. NON-JUDICIAL ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR HISP CANDS	MEANS % HISP VOTERS VOTING FOR HISP CANDS
DIST. 15 (7 ELECTIONS)	27%	87%
DIST. 16 (14 ELECTIONS)	34%	72%
DIST. 20 (11 ELECTIONS)	20%	74%
DIST. 23 (6 ELECTIONS)	17%	79%
DIST. 27 (8 ELECTIONS)	33%	79%
DIST. 28 (5 ELECTIONS)	11%	77%
DIST. 29 (13 ELECTIONS)	6%	90%
MEAN ALL DISTRICTS	**21%**	**80%**

IV. LEGISLATIVE ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR HISP	MEAN % HISP VOTERS VOTING FOR HISP CANDS
DIST. 15 (4 ELECTIONS)	27%	87%
DIST. 16 (4 ELECTIONS)	31%	64%
DIST. 20 (2 ELECTIONS)	29%	75%
DIST. 23 (2 ELECTIONS)	15%	74%
DIST. 27 (3 ELECTIONS)	32%	69%
DIST. 28 (2 ELECTIONS)	11%	72%
DIST. 29 (5 ELECTIONS)	2%	95%
MEAN ALL DISTRICTS	**21%**	**77%**

TABLE 5, CON'T.
SUMMARY OF ECOLOGICAL REGRESSION ANALYSIS:
BLACK DISTRICTS
BLACK VS. ANGLO ELECTIONS CURRENT TEXAS
CONGRESSIONAL DISTRICTS*

I. ALL ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR BLACK CANDS	MEAN % BLACK VOTERS VOTING FOR BLACK CANDS
DIST. 18 (8 ELECTIONS)	26%	67%
DIST. 30 (6 ELECTIONS)	23%	83%
MEAN ALL DISTRICTS	**25%**	**75%**

II. PRE-1992 ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR BLACK CANDS	MEAN % BLACK VOTERS VOTING FOR BLACK CANDS
DIST. 18 (5 ELECTIONS)	24%	67%
DIST. 30 (5 ELECTIONS)	15%	82%
MEAN ALL DISTRICTS	**20%**	**75%**

III. NON-JUDICIAL ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR BLACK CANDS	MEAN % BLACK VOTERS VOTING FOR BLACK CANDS
DIST. 18 (5 ELECTIONS)	16%	69%
DIST. 30 (3 ELECTIONS)	11%	84%
MEAN ALL DISTRICTS	**14%**	**77%**

IV. LEGISLATIVE ELECTIONS	MEAN % ANGLO VOTERS VOTING FOR BLACK CANDS	MEAN % BLACK VOTERS VOTING FOR BLACK CANDS
DIST. 18 (1 ELECTION)	34%	84%
DIST. 30 (1 ELECTION)	34%	66%
MEAN ALL DISTRICTS	**34%**	**75%**

* SUMMARY BASED ON RESULTS IN APPENDIX 2.

precincts usually cast majority votes for Anglo candidates, heavily Hispanic precincts usually cast majority votes for Hispanic candidates, and heavily black precincts usually cast substantial majority votes for black candidates. Detailed results of extreme case analysis are reported in Appendix 3.

32. Dr. Weber does not in his report dispute the existence of racially polarized voting in Democratic primary elections. He notes that "The analyses of racial and ethnic polarization in voting in different recent elections held within the boundaries of the current majority-minority Congressional districts or within the old Congressional districts with substantial minority populations indicate that some racial or ethnic polarization in voting occurs." But Dr. Weber denies that the polarization is "legally or politically consequential" because candidates of choice of minorities prevailed in the minority districts.[15] But these districts were created to provide minorities reasonable opportunities to elect candidates of their choice. Victories by minority-preferred candidates in such districts does not mean that legally and politically significant racial bloc voting would not have occurred if districts had been configured differently to lower the percentages of minorities. In such a situation, if minority candidates had lost, then the state would have been vulnerable to a voting rights challenge.

33. Neither the ecological regression analyses in Appendix 2 nor the extreme case analysis in Appendix 3 show that blacks and Hispanics usually vote together as a bloc. Although there are some instances of apparent Hispanic/black coalitions, the results show that Hispanic

[15] Preliminary Weber Report, p. 26.

and black voters did not usually both provide majority support for minority candidates.[16]

MINORITY OPPORTUNITIES: ALTERNATIVE PLANS

34. As indicated in Table 6, nearly as many voting age blacks and Hispanics are included in the 9 non-Anglo districts under the plan developed by plaintiffs' expert, in the 9 non-Anglo districts under the state's plan. Minorities, however, are distributed quite differently in the alternative as compared to the state's plan, with the result that the alternative plan reduces minority -- especially Hispanic -- opportunities to elect candidates of their choice. There is thus reason for a state legislature confronting Section 5 preclearance as well as Section 2 lawsuits to believe that a plan similar to the one submitted by plaintiffs would not pass muster under the Voting Rights Act.

35. Plaintiffs' alternative plan simultaneously packs and fragments Hispanic voting strength in Texas. The result is that Hispanic opportunities to elect candidates of their choice are diminished with respect to the current state plan and even with respect to the 1981 plan as well.

36. One consequence of plaintiffs' alternative plan is the elimination of a District in Harris County that provides Hispanics an opportunity to elect candidates of their choice. Even under the state's plan this is the most marginal of the state's majority-minority districts. As compared to the state's plan, plaintiffs' plan sharply reduces the Hispanic voting-age percentage of District 29 in Harris County. According to the demographic data on the two plans included in Appendix 1 of this report, the

[16] There is no contention, moreover, in plaintiffs' expert report that blacks and Hispanics vote jointly as a bloc. (See Preliminary Weber Report, June 18, 1994).

Hispanic percentage of the voting age population is 55 percent under the state's plan, but only 30 percent under the plaintiffs' alternative plan. The reduction in Hispanic citizen voting-age population is likewise substantial. As indicated Appendix 1, the Hispanic citizen-voting age percentage falls from 43 percent under the state's plan to 21 percent under the plaintiffs' alternative plan.

37. As indicated in the analysis of Districts 18 and 29 above, voting in Harris County is usually polarized along racial lines in Hispanic versus Anglo Democratic primary elections.[17] The consequence of these voting patterns is that District 29 in plaintiffs' plan is sufficiently Democratic to elect an Hispanic nominee in the general election, but is not sufficiently Hispanic to provide Hispanic voters a reasonable opportunity to nominate a candidate of their choice.

38. Even under the more heavily Hispanic state plan, the Hispanic candidate of choice, Ben Reyes, narrowly failed to gain the 1992 Democratic congressional nomination in District 29. District voters nominated and ultimately elected Anglo candidate Gene Green.[18] The election was also decided by the narrowest of margins. In the runoff primary Green apparently prevailed over Reyes by 180 of 31,508 votes cast. A court challenge by Reyes resulted in a second runoff, in which Green prevailed by a margin of less than 2 percentage

[17] Under either the state's plan or plaintiffs' alternative plan, District 29 is sufficiently Democratic, that the Democratic nominee is likely to prevail in a general election.

[18] This outcome does not indicate that the state's plan failed to provide Hispanic voters a reasonable opportunity to elect a candidates of their choice in District 29, based on information available at the time of the redistricting. It simply indicates that elections are not foregone conclusions based on racial composition alone. In addition to District 29, Congressional District 16, with a 66 percent Hispanic voting age population (second highest in the state under the current plan) is represented by an Anglo congressman: Ron Coleman.

points. The primary and runoff contests for the District 29 Democratic congressional nomination contests between Green and Reyes were also characterized by a high degree of racial polarization. In the two runoff contests, Anglos voted in approximate unanimity for Green, Hispanics voted overwhelmingly for Reyes, and blacks were roughly divided between the two. Given such polarized voting, the 25 percentage point reduction in Hispanic voting age population under plaintiffs' alternative plan would create a district in which it is highly unlikely that Hispanics could nominate a congressional representative of their choice.

39. Although the plaintiffs' alternative plan sharply reduces the Hispanic percentage in District 29, it sharply increases the Hispanic percentage in District 15, the most heavily Hispanic district in the state's plan. Plaintiffs' alternative plan increases the total Hispanic percentage in District 15 from 75 percent to 83 percent and the Hispanic voting age population from 70 percent to 78 percent. This packing of Hispanics in District 15 cannot be explained by a lack of citizenship status among Hispanics in District 15. To the contrary, as by the detailed demographic analysis of citizen population included in Appendix 1 of this report, the falloff between the Hispanic percentage of voting age population and the Hispanic percentage of citizen voting age population is much more limited in District 15 than in District 29. Under the state's plan, the Hispanic citizen voting-age population in District 15 is 65 percent. Under the plaintiffs' alternative plan, the Hispanic citizen voting-age population in District 15 is 73 percent.

40. Similarly, plaintiffs' alternative plan sharply increases the already substantial Hispanic percentage in District 23. Plaintiffs' alternative plan increases the total Hispanic percentage in District 23 from 63 percent to 77 percent and the Hispanic voting age percentage from 58 percent to 73 percent. Again, this increase cannot be explained by a lack of citizenship status among Hispanics in District 23. Under the state's plan, the Hispanic citizen

voting-age population in District 23 is 52 percent. Under the plaintiffs' alternative plan, the Hispanic citizen voting-age population in District 23 is 67 percent.

41. While packing heavy concentrations of Hispanics in Districts 15 and 23, plaintiffs' alternative plan simultaneously reduces the Hispanic percentages of three other districts -- 20, 27, and 28 --in the South Texas area. In District 20, plaintiffs' plan reduces the Hispanic percentage from 60.7 percent to 53.6 percent and the Hispanic voting age percentage from 56.1 percent to 49.5 percent. In District 27, plaintiffs' plan reduces the Hispanic percentage from 66.2 percent to 54.3 percent and the Hispanic voting age percentage from 61.4 percent to 50.3 percent. And, in District 28, plaintiffs' plan reduces the Hispanic percentage from 60.4 percent to 48.9 percent and the Hispanic voting age percentage from 56.5 percent to 44.5 percent. In terms of citizen voting age population, plaintiffs' plan reduces the Hispanic citizen voting-age population from 53.7 percent to 47.2 in District 20; from 57.7 percent to 49.3 percent in District 27, and from 53.7 percent to 42.1 percent in District 28.

42. The result of this fragmentation of Hispanic voting strength is to transform districts 20 and 28 into marginal Hispanic districts. Given the overwhelming propensity of Hispanics to vote Democratic and the Republican tendency of Anglos voters, even the Hispanic concentrations in Districts 20, 27, and 28 of plaintiffs' plan are sufficient to provide minorities a reasonable opportunity to nominate congressional representatives of their choice in Democratic primaries. However, for Districts 20 and 28, the reduction in Hispanic percentages sufficiently reduces Democratic voting strength to make it more likely than not that the nominee of choice of Hispanics will lose the general election. As indicated in Table 2, if plaintiffs' plan had been in effect in 1992, the Republican congressional nominee would have been favored in District 28. The Democratic nominee would

have been only narrowly favored in District 20, even with a Democratic and no Republican incumbent in that district. If the alternative plan were adopted for 1994, Table 2 further indicates that Republican congressional nominees would be favored in both Districts 20 and 28, given that there would now be both a Democratic and Republican incumbent in District 20.

43. The result of plaintiffs' plan is to create large deviations in the Hispanic percentage of its districts. Among it's majority-minority districts in which Hispanics are the predominant minority group, the voting age percentages of Hispanics range from 30 percent in District 29, to 45 percent in District 28, and to more than 78 percent in District 15. In contrast, the state's plan is more consistent in it's Hispanic percentages. Five of seven districts have Hispanic voting-age percentages ranging from 55 percent to 61 percent of the voting age population, one district has a percentage of 66 percent (16), and one district a percentage of 70 percent (15).[19]

44. It should be noted that during a redistricting process it is very difficult to define a range of minority concentration for districts that would provide reasonable opportunities for minorities to elect candidates of their choice without unduly packing minorities into districts.[20] This is particularly true in a state like Texas with three additional districts and the lack of a history of minority versus white congressional elections in many of the areas encompassed by the districts being created during the redistricting process. Thus, a state legislature can only be

[19] It should also be noted that the reduction of the Hispanic percentage in these districts may create a more unfavorable situation for minority voters in terms of stimulating greater Anglo turnout and campaign efforts.

[20] By reasonable opportunity district, I mean a district that in which it is more likely than not that minority voters can nominate and elect a candidate of their choice. See, Allan J. Lichtman and Gerald Hebert, "A General Theory of Vote Dilution," La Raza (1993), ibid.

expected to develop approximate estimates of a range of reasonable concentrations of minority voters. Districts created in plaintiffs' alternative plan extend well beyond the range of Hispanic population in the state's districts, both at the low and high end of the distribution.

45. The simultaneous packing and fragmentation of Hispanic voting strength that characterizes plaintiffs' alternative plan reduces to 4 the number of districts that provide Hispanics a reasonable opportunity to elect candidates of their choice. Elimination of Districts 20, 28, and 29 for the reasons explained above, leaves only districts 15, 16, 23, and 27 as providing such opportunities. With respect to Hispanics, plaintiffs' alternative plan is clearly retrogressive with respect to the current state plan. It is arguably retrogressive as well with respect to the 1981 plan that included 5 districts with Hispanic voting-age populations of 55 percent or more. Thus, plaintiffs' alternative plan, if proposed as part of the post-1990 redistricting process, might well have failed to pass muster even under the retrogression test of Section 5 and would have made the state highly vulnerable to a Section 2 challenge as well.

46. Plaintiffs' alternative plan also raises questions about opportunities for black voters to elect candidates of their choice. Based on statistical data alone, both districts 18 and 30 under plaintiffs' alternative plan would appear to provide black voters reasonable opportunities to nominate and elect candidates of their choice.[21] However, plaintiffs' alternative plan pairs District 30's black incumbent representative Eddie Bernice Johnson with representative Martin Frost (currently in the District 24), a well-financed and experienced incumbent.

47. Given the limited opportunity thus far to analyze the Johnson plan, it appears that the main impact

[21] I testified to this effect before the Texas legislature on behalf of Impac 2000 during the redistricting process.

of this plan in terms of minority opportunities is to weaken substantially the Hispanic district in Harris County. As with the plaintiffs' plan, the Johnson plan also creates the problem of placing incumbent congressman Martin Frost in the black-plurality district in Dallas County.

48. The Pate plan also weakens the Harris County Hispanic district, reducing its minority percentage from 55 percent to 47 percent. It also pairs Johnson with white incumbents. This plan, however, raises additional issues with respect to minority opportunities. Hispanic District 20 pairs Democratic Hispanic incumbent representative Henry Gonzalez with Anglo Republican incumbent Larry Smith. As a result of this pairing, Table 4 indicates that the Republican incumbent Smith would prevail over the Hispanic incumbent.

MINORITY OPPORTUNITIES: "OVERLY SAFE" DISTRICTS

49. Dr. Weber states in his report that several of the state's districts are "overly safe" for minority candidates of choice, specifically districts 15, 18, 20, 28, and 30. On the basis the review completed thus far I have the following concerns with his analysis.

50. First, the analysis is conceptually and methodologically flawed. Dr. Weber does not set forth systematic standards for determining whether a district is "overly safe" or not. Dr. Weber, for example, opines that District 15 is overly safe, but creates a new District 15 that increases the Hispanic voting age population by some 8 percentage points to nearly 80 percent. In addition, Dr. Weber's analysis of election outcomes in districts is based on a selected and skewed set of elections. A majority of elections examined are judicial elections. Moreover, all are statewide elections that minority candidates have won or came very close to winning and would bias the analysis

towards showing the relatively "safeness" of the minority districts. Of the four statewide primary elections examined by Dr. Weber, three were won outright by the minority candidates: 53.9 percent for the Attorney General candidate in 1990, 57.6% for the Court of Criminal Appeals P1. 4 candidate in 1992, and 59.4% for the Railroad Commissioner candidate in 1992. The remaining primary for Court of Criminal Appeals in 1990 went to a runoff in which the minority candidate received 49.9% of the vote. Other elections in which minority candidates performed less well are excluded from the analysis, including at least one statewide election (1990 Democratic Primary for Treasurer).

51. Second, Dr. Weber fails to compare the minority districts to the Anglo districts in the plan. Given the goal of incumbency protection, the plan creates districts that would, in general elections, predictably support the nominees of either the Democratic or Republican nominee, irrespective of race.

52. Third, Dr. Weber's analysis is retrospective, based on considerable information not available to the legislature during the redistricting process. It thus fails to take into account the approximate nature of foreseeing likely results in future districts. As the above analysis indicated, Dr. Weber's efforts to create less "safe" minority districts actually results in shaving too finely the minority populations of three districts (20, 28, and 29), thereby diminishing minority opportunities.

53. Fourth, Dr. Weber fails to show any consequential results of creating allegedly overly "safe" districts in the state's plan. His plan, despite the ostensible effort to create less "safe" districts, fails to create additional minority opportunities. To the contrary, outside of the 9 majority-minority districts, plaintiffs' alternative plan does not create a single district with a greater than 22 percent voting-age black or Hispanic percentage. Under the state's plan, however, District 25 has a 25 percent

black voting age population and a combined minority population of 39 percent. Dr. Weber has not created a more racially competitive plan, he has rather created greater racial competitiveness solely among the nine majority-minority districts, reducing three of them to the point at which they are no longer more likely than not to elect a minority candidate of choice. There is no expanded racial competitiveness among the 21 Anglo-majority districts. To the contrary, these are all safe Anglo districts. None of these 21 districts has a combined black/Hispanic voting age population greater than 34.5 percent.

MINORITY OPPORTUNITIES: VOTER PARTICIPATION

54. Dr. Weber analysis of voter participation does not fully reveal the substantially greater Anglo participation in general elections compared to either blacks or Hispanics in Texas. The greater Anglo participation can be demonstrated through Dr. Weber's own data. The appropriate focus is on his ecological regression analysis of sign-in data, which includes all voters who show up to vote on election day.

55. The sign-in data is not subject to problems arising from possible lack of purging of registration data and incorporates all voters. It is thus not subject to the fluctuations that result from the particular circumstances of individual elections. In 1992, for example, in District 20 only Hispanic candidate Henry Gonzalez was competing for Congress and in District 28 only Hispanic candidate Frank Tejeda and a marginal Libertarian candidate were competing. In both these elections, there was much greater Anglo than Hispanic falloff between the voters signing-in and the voters casting a congressional ballot.

56. Table 7 compares Anglo versus black participation for the 1992 general elections. The analysis focuses on the state as a whole and on Dallas and Harris Counties. For blacks, Table 7 shows that throughout the state, where Dr. Weber was able to estimate participation, Anglo participation exceeded black participation by a wide margin. Anglo participation is also substantially higher than black participation in both Dallas and Harris counties. For Hispanics, summary measure is not necessary, given that in all districts where Dr. Weber was able to estimate Anglo and Hispanic participation, Anglo turnout is much higher than Hispanic turnout, often more than double Hispanic turnout. Citizenship differences cannot account for these participation differences, given that the falloff between the Hispanic voting-age and citizenship percentage is small outside of Districts 29 and 30 (see demographic data in Appendix 1).

TABLE 7
ESTIMATES OF ANGLO AND BLACK PARTICIPATION
1992 GENERAL ELECTION
DERIVED FRON PRELIMINARY REPORT OF
RONALD E. WEBER

I. ANGLO V. BLACK TURNOUT	% ANGLO VOTING-AGE POPULATION TURNING OUT TO VOTE	% BLACK VOTING-AGE POPULATION TURNING OUT TO VOTE
ALL DISTRICTS *	67%	37%
DALLAS COUNTY DISTRICTS	72%	38%
HARRIS COUNTY DISTRICTS	62%	44%

* BLACK TURNOUT WAS NOT MEASURED FOR SOME DISTRICTS IN DR. WEBER'S REPORT. BUT THE BULK OF THE BLACK POPULATION IS INCLUDED.

TABLE 8
ESTIMATES OF ANGLO AND BLACK PARTICIPATION
1988-90 GENERAL ELECTION
DERIVED FROM PRELIMINARY REPORT OF
RONALD E. WEBER

I. ANGLO V. BLACK TURNOUT	% ANGLO VOTING-AGE POPULATION TURNING OUT TO VOTE		% BLACK VOTING-AGE POPULATION TURNING OUT TO VOTE	
	1988	1990	1988	1990
ALL DISTRICTS *	51%	44%	40%	28%
DALLAS COUNTY DISTRICTS	56%	46%	46%	27%
HARRIS COUNTY DISTRICTS	40%	38%	41%	26%

* BLACK TURNOUT WAS NOT MEASURED FOR SOME DISTRICTS IN DR. WEBER'S REPORT. BUT THE BULK OF THE BLACK POPULATION IS INCLUDED.

57. Table 8 compares Anglo versus black participation for the 1988 and 1990 general elections. For blacks, Table 8 shows that, in both 1988 and 1990, statewide white participation exceeded black participation by substantial margins. Anglo participation is also higher than black participation in both Dallas and Harris counties in 1990 and in Dallas County in 1988. As in 1992, Dr. Weber's original tables show that Anglo participation far exceeds Hispanic turnout throughout the districts of the state, for both 1988 and 1990.

CONCLUSIONS

58. Independent of race, the state's plan and the plaintiffs' alternative plan represent fundamentally different redistricting choices. Similarly different choices are reflected in the two additional plans presented by plaintiffs' expert. The state chose to adopt a plan with the effect of protecting all congressional incumbents in the state, both Democratic and Republican. The alternative plan, as well the Johnson and Pate plan, jeopardizes the reelection of numerous incumbents, primarily Democrats. Incumbents would be placed in jeopardy regardless of whether the plan had been adopted for the 1992 elections or if it is now adopted for the 1994 elections. These fundamental political differences explain why, given its redistricting goals, the state legislature would not have embraced a plan even roughly modelled on plaintiffs' alternative proposal.

59. Given racially polarized voting in Texas, plaintiffs' alternative plan also sufficiently weakens minority opportunities to the point that it would pose a risk of rejection under the retrogression test of Section 5 and expose the state to Section 2 litigation as well. Such a plan would clearly not be acceptable to a state legislature concerned with minimizing the risks of violating the Voting Rights Act. Under plaintiffs' plan, only 4 districts

provide Hispanic voters reasonable opportunities to elect candidates of their choice, fewer than the 5 such districts that existed under the previous 1981 plan. Overall, under plaintiffs' alternative plan, 21 districts are relatively safe for the candidates of choice of white voters and three additional districts -- 18, 20, and 28 -- are more likely than not to elect candidates of choice of white voters. This mean that reasonable opportunities for blacks and Hispanics, who constitute 37 percent of the state's population and 33 percent of it's voting age population, are confined to but 6 districts in the alternative plan: 20 percent of the state's 30 districts. The Johnson plan provides for more substantial minority opportunities, significantly weakening only District 29 in Houston. The Pate equivalent plan, however, would not only weaken District 29, but also likely result in the loss of the Hispanic incumbent representative in District 15 as well.

State's Exhibit 15

Vera v. Richards
Testimony of Paul Colbert

Introduction: The purposes of this testimony are:

1) to provide detailed understanding of the factors that influenced the decision-making process in shaping the Harris County area Congressional districts during the 1991 Regular and Special Legislative Sessions, and

2) to analyze the relative impacts and merits of the districts adopted by the Legislature to those proposed by the plaintiffs in *Vera v. Richards*.

The format of this testimony will be as follows:

SECTION 1 - Explanation of my background and qualifications,

SECTION 2 - Detailing of the factors influencing the decisionmaking process,

SECTION 3 - Analysis of the current districts and the specific reasons behind their creation and conformation,

SECTION 4 - Analysis of the districts proposed by the plaintiffs, and

SECTION 5 - Summary.

For purposes of this report, all district numbers will refer to the districts adopted by the Texas Legislature and currently in use for this election campaign, unless otherwise indicated. "CD" will refer to a specific Congressional district in the respective plan, as specified by the number (e.g. - CD 18 refers to the 18th Congressional District seat currently held by Cong. Craig Washington.) Similarly, "SD" will refer to a Texas State Senate district and ;'HD" will refer to a Texas State House of Representatives district. The terms "Anglo",

"Hispanic", "Black" and "African American" are applied as in common usage.

SECTION 1

Background: My name is Paul Colbert. I am a former member of the Texas House of Representatives, representing the southwest portion of Houston from January of 1981 to January of 1993. During and subsequent to that time I have worked professionally as a political consultant, analyst and campaign manager in numerous campaigns throughout Harris County. I have also been employed by the Democratic Party to analyze voting trends, construct campaign plans, and to target and organize efforts to register new voters.

As a member of the Texas House, I was actively involved in the redistricting efforts in both 1981 and 1991, although I did not serve on the Redistricting Committee in either Session. In consultation with the other members of the Harris County delegation, I drew the State House districts for Harris County adopted by the Legislative Redistricting Board in 1981 and drew much of the Harris County State House plan adopted in 1991. I was also one of many people involved in drawing the Congressional district boundaries in 1991. I have been described in a publication of the Associated Republicans of Texas as "the key mapmaker for the Democrats". What that publication failed to note is that I don't believe or engage in rank partisan gerrymandering. The 1981 Harris County State House plan that I drew not only preserved all of the Republican seats in Harris County, it also created two new Republican seats in deference to the growth in Republican population in west Harris County. One House seat that I drew for a Democratic incumbent was subsequently won by a Republican, and one Republican-held seat was subsequently won by a Democrat. When demographics required the elimination

of the seats of two incumbent State House members in Harris County in 1991, the plan that I drew balanced the loss to one Democrat and one Republican. Furthermore, that plan was sufficiently fair that one previously Democratic seat was won by a Republican in the next election and another is likely to be in this election.

Prior to my election to the Legislature, I served as the research director of the Senate Education Committee and as a researcher and aide to numerous legislators. My particular expertise included the areas of public school finance and state budget finance in general. I am known for my work on complex issues and, especially, anything involving numbers. In my professional capacity, I have also served as a consultant to the State of Oklahoma on public school finance and assisted them in the creation of their current system. I have often described redistricting as the one issue that makes me look forward to school finance.

I served pro bono as an advisor to the State of Texas on the statistical and political makeup of the various districts and the decision-making process behind their creation in the legal challenges to the redistricting plans in both 1981 and 1991. I am currently retained by the Texas Attorney General's office for the same purposes. A brief version of my resume is State's Exhibit 19.

SECTION 2

There are many general reasons behind the creation and conformation of the Harris County area Congressional districts. The following is by no means a complete listing, but I believe it covers the major factors. Following each general principle are a few specific examples of how this rule affected different districts. Obviously, for the construction of a 'given district, these factors are of varying importance. The repeated references to party and ethnicity are not out of my preoccupation with them, but

merely to indicate the degree to which such factors frequently were secondary or not even considered. For the record, I am an Anglo Democrat who represented a district that was approximately 35% African American, 15% Hispanic, 3% Asian, and 47% Anglo. I am also a former Young Republican leader.

In no particular order, the factors are:

1) Protection of incumbents. The Prime Directive. This was the #1 rule of House Redistricting Committee Chair Tom Uher. Pairing or seriously undermining incumbents was not tolerated unless there was no alternative. For this reason, there are districts in the Harris County State House plan that have shapes no less "bizarre" than the challenged Congressional districts for reasons clearly not involving race.

One example involves HD 136, represented by Ashley Smith, an Anglo Republican. Due to the relative proximity of Rep. Smith's residence to the residences of Rep. Debra Danburg (HD 137), an Anglo Democrat, and Rep. Dalton Smith (HD 135), another Anglo Republican, it was necessary to construct a thin "neck" through the Memorial Villages linking Ashley's home neighborhood of River Oaks with the bulk of his district. As the maps in Exhibit 16A indicate, this neck is extremely similar to a portion of the neck linking Cong. Craig Washington's home neighborhood in Third Ward with the Acres Homes and Fifth Ward/Northeast communities traditionally a part of CD 18. This latter neck generated significant reaction in the press from individuals who objected to the split that made a portion of their neighborhood be represented by Cong. Washington, an African American Democrat, but who made no mention of the almost identical split between the two Anglo Smiths. The point is that actions sometimes attributed to racial factors, as in the creation of the CD 18 neck, are in fact caused by considerations other than race.

Other State House districts that are as unattractive as the Congressional districts for reasons of incumbent protection include HD 133, represented by Robert Eckels, an Anglo Republican, and the adjacent HD 134 represented by Sue Schechter, an Anglo Democrat. Exhibit 16B shows the shapes that were utilized to avoid pairing them with each other or with Rep. Heflin and the two Reps. Smith in the neighboring districts. Probably the most extreme example in Harris County is in HD 129, the district pairing incumbent Anglo Republicans Mike Jackson and Randy Pennington. Due to the reduction in the number of seats apportioned to Harris County, a pairing was necessary, and various considerations combined with the locations of incumbent residences required that it occur in southeast Harris County. The alternatives were to pair Jackson and Pennington, or to pair Jackson with Anglo Republican Dan Shelley. Reps. Shelley and Jackson were universally well respected, whereas even a majority of the Republicans in the delegation had privately indicated preference for the elimination of Rep. Pennington's district. This necessitated the multiple-armed shape of District 129 evident in Exhibit 16C, both to avoid the Jackson/Shelley pairing and to make the resultant district more favorable to Rep. Jackson than to Rep. Pennington.

If such considerations cause districts as small as State House districts to meander about, the impact can only be larger in districts as large as Congressional districts. In the section analyzing the individual Harris County Congressional districts, several instances will be shown where this occurred.

It should be noted that many members consider deference to incumbents to be generally important as a matter of public policy, equating it to deference to the previously-expressed will of the voters. Even those who disagree with this line of reasoning tend to feel differently about Congressional districts. Given the importance of

seniority in Congress and therefore its relationship to efficacy on behalf of Texas and its residents, it is widely felt in the Legislature that it is particularly important for the good of Texas to protect Congressional incumbents.

2) Preferences of incumbents. This related category includes the preferences of both incumbent Congressman and incumbent State legislators who had policy, political or personal ambition reasons for the inclusion or exclusion of territory, populations or other forms of community in a particular district. Many examples of this principle will be given in the depictions of the various districts in Section 3, particularly involving the competing Congressional ambitions of Sen. Gene Green and Rep. Roman Martinez. However, one example involving Rep. Martinez and the downtown Houston area (VTDs 0016, 0024, 0032, and 0369) clearly exemplifies the profound impact this can have on the shape of districts.

Rep. Martinez wanted to move much of downtown from CD 18 to the new Congressional district he hoped to represent, for fundraising and other political reasons, and as a member of the House Redistricting Committee, he partially prevailed. Since the communities he proposed to link in the new district cross the communities that historically have constituted CD 18 like an "X", it was therefore necessary to create a new "neck" to link the traditional southern and northern portions of the 18th district. The alternative would have been to bring the new CD29 over the top in the northeast, as was done in the comparable newly created SD 6, and leave downtown as the neck in CD 18. This latter path would also have included more territory perceived as favorable to Sen. Green in the expected future contest. Exhibit 16D compares the resulting shape with the previous version of CD 18 and both the current and previous versions of SD 13, the majority African American State Senate district that represents most of the same communities. It is clear

from the maps that the resulting linkage is not a necessary result of racial considerations but is merely the collision of political considerations with incumbent protection. (Please refer again also to the discussion of Exhibit 16 in #1 of this Section for further discussion of the comparability of this neck to a clearly non-racial twin in the drawing of State House districts.) While perhaps undesirable from an esthetic viewpoint, most feel that such decisions should be within the prerogatives of legislative bodies.

For the same reasons, Rep. Martinez repeatedly expressed a desire that the major industries along the Houston Ship Channel be included in the new district, resulting in the long "nose" heading east to Baytown. By the same token, Baytown was split not just to provide a bridge to the north channel area for CD 25 (discussed at greater length in Section 3), but also to weaken the political impact in the new CD 29 of the Campos family, who were allied with former Rep. Al Luna, a potential primary opponent for Rep. Martinez. Absent these clearly non-racial considerations, the shapes would have been far more compact.

3) Political impact of multiple representation. Contrary to a view expressed by the plaintiffs, it is frequently a significant advantage to have a geographic community represented by several members of the Congressional delegation rather than one. For example, it was a conscious decision to include portions of the NASA/Clear Lake area in three different districts with likely representation from both parties in 1981, and particularly to include the Space Center in Cong. Jack Brooks' district, since he was chairman of the Government Operations Committee and Dean of the delegation. Subsequent elections gave us Mike Andrews, a Democrat and member of the Ways and Means Committee and Tom DeLay, a Republican and member of the Appropriations Committee. This arrangement was invaluable in the in-

fighting that has gone on since over the funding and operation of the space program and was purposely continued in the current plan. It is by far the major reason for the boundaries in the southeastern corner of Harris County.

Similarly, it would have been far more compact to transfer the Bellaire, West University and adjacent City of Houston portions of CD 22 to CDs 7, 18 and/or 25. However, removing Cong. DeLay from representation of this area would have been politically foolish. Cong. DeLay had repeatedly expressed concern over the potential viability of a Republican Primary opponent from the Harris County portion of his district. He had, therefore, been extremely aggressive in his work on behalf of Houston and Harris County. As a member of the Appropriations Committee, he had been instrumental in securing funding for the area, particularly transportation funding for Metro. It was further hoped that he could assist in future attempts for flood control funding for the Brays Bayou project, and compactness was therefore sacrificed to the expediency of political clout.

It should be noted that the plan proposed by the plaintiffs would entirely remove Cong. DeLay from Harris County and would leave the NASA/Clear Creek area with only one member of Congress. Were this plan to be adopted, the resulting negative impact on the entire Harris County area economy due to loss of political support for NASA and other federal projects would likely be huge, and is a clear example of putting partisan considerations ahead of the overall welfare of the community.

4) Maximization of political representation. It was the desire of many in the Harris County delegation to use the explosive growth of the Hispanic population over the last decade as a means of attaining for Harris County an additional Congressional representative. Although Harris County's population had grown overall by about 400,000, the rate of growth had been less than that of the

state as a whole. In fact, with the ideal size of a Congressional district about 40,000 people larger than in 1981, our net growth was the equivalent of only about 1/3 of a district. The "Texas Silicon Valley" corridor from Williamson County to San Antonio had experienced more growth and was favored to gain the last seat (with the Dallas-Fort Worth and South Texas areas having a lock on the other two new positions.) Thus, creating a Hispanic majority district was supported by some not for reasons of ethnicity but for the political impetus it created behind securing an additional seat for the county, and considerations of race in both the make-up and shape of the district were at best secondary.

5) The Voting Rights Act, racially polarized voting and considerations of ethnic equity. There was not a single member of the Texas Legislature who was totally unaware of the existence and history of racially polarized voting in the Houston/Harris County area, in Dallas and in South Texas. They may not all have fully understood its pervasiveness, but everyone knew that no Hispanic had ever been elected to Congress in Texas from a district with less than a Hispanic majority. Everyone knew that the only two African Americans elected to Congress this century came from the majority minority 18th District. Most were aware or became aware during the course of testimony and debate that the previous Black/Hispanic coalition politics that had made this possible absent a Black majority were beginning to break down as a result of bitter contests over at-large city council positions.

All were aware that few African Americans and Hispanics had been elected to county-wide judicial positions in the urban counties due to a lack of support from Anglo voters, and even with the few successes, that the overall numbers of minority members of Congress and the judiciary constituted a severe underrepresentation of the overall minority population of the state and within the

respective communities. In Harris County, minorities were defeated county wide regardless of their partisan affiliation, losing frequently when contested in their respective party primaries and even more often in general elections, where minority candidates generally ran 2-3% behind their Anglo colleagues. (A good example is now-Federal Judge Ken Hoyt, an African American appointed to a state district bench by Gov. Clements, only to lose his bid for re-election in the Republican primary in 1982. In 1984, he filed for a position unopposed in the primary and was then elected in the complete Republican sweep after refusing to allow his picture to be displayed in the Republican campaign literature.)

We were all aware that it had been uniformly futile for minority candidates to run for Congress in majority Anglo districts due to this raciallypolarized voting, and that, given that history and the growing divisions between minorities, the only way it would be possible for the African American and Hispanic communities to elect their candidates of choice was through the creation of districts with a majority of the specific protected minority. Racial voting patterns are an unfortunate fact of life in Texas politics and are well known to everyone involved. We in the Legislature were aware of all of this by virtue of our political experiences and knowledge in Texas, our knowledge of the Voting Rights Act (see pp. 16, 18 & 19 of the Associated Republicans of Texas publication, Exhibit 16H) and its various publicized violations across the state, and because many witnesses brought these facts to our attention in redistricting hearings conducted across the state.

Contrary to the characterization of these districts by the plaintiffs as examples of "apartheid" (see Exhibit 16H) the informal guidelines utilized by many of us during the redistricting process encourage interracial cooperation rather than separation to be successful in the political process. To the extent that ethnicity was a factor,

and it should be emphasized that it was only one of many factors in every instance, the guidelines can simply be stated as "no fragmenting" and "no packing."

The combined impacts of these "no fragmentation/no packing" guidelines is to create districts where coalition politics and cooperation between ethnic communities are essential for political success while, at the same time, respecting the need to create opportunities for the effective political impact of those minorities against whom historic discrimination has resulted in lack of political empowerment and whose protection the Voting Rights Act was therefore intended to guarantee.

There were several attempts at drawing districts in the name of the Voting Rights Act and political advancement of protected minorities that were rejected by the Legislature. The best example was a proposed amendment that Rep. Ron Wilson, an African American Democrat from Houston, had on the floor during the 2nd Reading debate and that he maintained would create one additional majority - minority district. Exhibit B compares the shape and scale of this district (CD 25, Plan C532) with CD 29 (shaded) and the other Harris County districts adopted under the current plan. The proposed district would have extended over 100 miles from Ft. Bend and Brazoria Counties, through Houston and Galveston eastward to Beaumont, Port Arthur and the Louisiana border. Much of the seemingly wide middle reach consists of virtually unpopulated Bolivar Peninsula and the waters of Galveston Bay.

Rep. Wilson withdrew the amendment at the behest of the Speaker due to its extreme shape and failure to garner support. Several similarly extensive districts were prepared by an aide to Rep. Jerald Larry, an African American Democrat from Dallas, but he considered them too extreme to offer. An attempt by Rep. Wilson to offer a comparably extreme district in the State House plan was voted down.

6) Failure of the Governor/Secretary of State to submit precinct information to the Census Bureau. As silly as this may seem, this factor is responsible at least in part for several of the "tendrils" objected to by the plaintiffs. Gov. Clements was governer of Texas in both the late 1970's and late 1980's, and in both instances he and his appointed Secretary of State made Texas one of the few states that did not submit precinct boundary information to the Census Bureau. As a result, census blocks, block groups and tracts do not necessarily correspond to precinct boundary lines, and on occasion can snake merrily along for great distances. In the latest redistricting effort, the staff of the Texas Legislative Council created accumulations of census blocks called "VTDs" to approximate as closely as possible the existing precinct boundaries. However, some of these were non-correspondent and oddly shaped due to the boundaries of a given census block. Furthermore, a person selecting one of these blocks on the small computer screen would sometimes unintentionally grab a meandering tendril that was not readily apparent, into a district, and the shape wouldn't become apparent until a later printing of a map. Given the impact of time (#7 below), the mistake would stay.

7) Time and computer speed. I have read and heard the arguments advanced by, or on behalf of the plaintiffs, that the shapes of the Congressional districts are the primary cause behind the doubling of the number of voting precincts in Harris County. They argue further that this somehow unconstitutionally disenfranchises voters, necessitating the implementation by the Court of their proposed redistricting plan.

There has been no bigger critic of the proliferation of precincts than I, but it is not solely or even primarily the result of the shapes of the Congressional districts. It is more a function of technology outstripping the time and ability of the legislators involved in the redistricting

process. The availability and sophistication of computers to aid in the redistricting process in 1991 made the splitting of census tracts possible for the first time on a massive scale, and like kids with a new toy, since it could be done, it was. However, the extremely short time between the final receipt of data and the end of the Regular Session, as well as the traditional "hands-off' attitude of the House and Senate concerning their respective redistricting plans, led to little or no conforming of boundaries between state House and Senate districts. Similarly, the 30-day limit on the length of Special Sessions left little time to resolve all the other considerations and conform the Congressional boundaries to the already unmatched state House and Senate lines. These problems were exacerbated by the vast volume of data needed to draw districts in Harris County. The "REDAPPL" redistricting system ran slowly enough under any circumstances; when it was being accessed by multiple users in the closing days and hours of the Session, it crawled.

With some effort, it would be possible to eliminate at least 400-500 of the precincts in Harris County by making extremely minor modifications to conform boundaries of the various levels of districts in a manner that would have virtually no political, ethnic or geographic impact on the current districts, and a simple directive to the next Session of the Legislature to do so would be far less intrusive on the prerogatives constitutionally assigned to the Legislature than the massive overhaul proposed by the plaintiffs, whose own plan would not in fact result in anywhere near as large a reduction in precincts.

8) Lack of available information on school district, civic club and other similar boundaries. Failure to conform the Congressional district boundaries to the borders of other entities was sometimes intentional (see #3, this Section), and sometimes the result of lack of

time (in the case of city boundaries, which were on the system) which both slowed up the operating system to utilize and would have required significant extra time to conform, since they frequently straddled VTD lines. Most other boundary information was simply not available to the Legislative Council to input. In all likelihood, it would not have been used in any case, since such factors are frequently given little import within the confines of an urban area.

SECTION 3

CD 25: CD 25 was formed in 1981, with a balance between the eastern and western regions of the district for political reasons more fully described later on in the CD 25 portion of this Section. It stretched from the eastern portion of Fondren Southwest on the west, through the middle- and upper-middle-class, primarily Anglo neighborhoods in Westbury, Meyerland and on through the inner Loop 610 neighborhoods to the affluent Rice University/Medical Center area. Continuing along the southern portion of Harris County through the middle- and upper-middle-class Black neighborhoods in Hiram Clarke and the poorer Black neighborhoods in Sunnyside, South Acres and South Park, old CD 25 crossed Gulf Freeway (I 45) into the blue collar, mostly Anglo but increasingly Hispanic South Ship Channel communities of Pasadena, Deer Park and on to the eastern edge of the county in La Porte. It also included the northern reaches of the NASA/Clear Creek area in southeast Harris County.

Due to the population shortage in CD18, significant portions of the African American neighborhoods in Sunnyside and South Park were needed to avoid retrogression in CD 18. Furthermore, much of the growing Hispanic population in the South Ship Channel area was removed and incorporated into new CD 29.

As a result, three new areas were incorporated into CD 25 in 1991: the significantly African American northeastern quarter of adjacent Ft. Bend County, the vast groupings of apartment complexes, containing significant concentrations of young Blacks and Hispanics straddling Southwest Freeway from Fondren Southwest west to Alief, and the predominantly blue collar communities of North Shore, Channelview and portions of Baytown and the adjacent neighborhoods north of I 10 and the Ship Channel.

The Ft. Bend area in CD 25 is an extension of Hiram Clarke economically and sociologically. The civic clubs share a joint umbrella organization. Many Ft. Bend residents attend one of the three major churches in Hiram Clarke. Much of this section of Ft. Bend had been included in SD 13 in 1981 for precisely that reason, and the failure to do so at that time in CD 25 was primarily the result of the political balance east and west of Interstate 45 that was imposed by the competing ambitions of Mike Andrews, who had narrowly lost a race for CD 22 in much of that territory in 1980 and whose base was west of I 45, and Sen. Chet Brooks of Pasadena, whose base was east of the freeway.

Similarity, the new territory added to CD 25 in southwest Harris County, from Fondren Southwest out to Alief, is an extension of Hiram Clarke and Sunnyside. Many of the African American residents of the new area are the children of residents of the latter, moving out on their own into the apartments and other lower-cost housing that predominates in that area.

I drew most of the lines in this area. The major determinant as to which territory to add in the area west of Southwest Freeway was not so much ethnicity as multi-family housing. An examination of the block-level maps will show that almost every area of single-family housing was left in CD 22, while the large patches with significant population, indicating apartment complexes, were cut into

CD 25. This was a conscious action on my part and was similarly done in both the State House and State Senate plans, and it was done for several reasons.

Many of the residents of this area have children that in educational jargon are referred to as "educationally disadvantaged". Many of these kids are in single-parent households and/or the parent doesn't have the educational attainment to prepare them to compete successfully in school, creating an intense need for a substantial compensatory education program. Those who are of college age are significantly in need of financial assistance programs such as Pell Grants.

For the last decade they have been represented in the Legislature and in Congress by people who are politically and philosophically opposed to such programs and the funding for them. Furthermore, they have resided in districts where they would have little or no impact on the outcome of the election, so their needs and viewpoints carried no political weight. Since apartment residents are highly transient, they are significantly less likely to have registered to vote or even know where and how to do so, further reducing their ability to impact the policy decision-making process. Since these residents are perceived by the incumbents, who are Republicans, to be likely Democrats, those in office are unlikely to try to alter this situation. In fact, during the last decade, no effort was made by the incumbents to assist these people in registration, and as a result, the area contained the largest concentration of unregistered people of voting age in all of Harris County and perhaps the State.

It was my hope that inclusion of the multi-family residents in CD 25 and the corresponding State legislative districts would both result in active registration programs to assist and improve the involvement of these citizens, and that the resulting involvement would impact the decisions of their federal and state legislators in the area of education. In fact, both have since occurred.

As mentioned elsewhere, the boundaries in the area south of the Ship Channel represented the competing desires of the Cong. Andrews and Rep. Martinez, who both wanted significant portions of Pasadena. Andrews' desire for Pasadena also resulted in dividing a portion of Westbury (Pcts. 315, 14, 291 & 293), since politically he couldn't hold both areas without weakening his district to a Republican challenger.

Any way you draw an area containing 560,000 people, you are going to have diversity in population and in communities represented. However, some attempt was made to retain a sense of socio-economic community or balance when possible. For example, to make up for the territory lost to CD 29 in Pasadena and Deer Park, it was felt that the largely blue collar and middle class North Shore and Channelview areas north of the Ship Channel were far more homogenous with the remaining portion of the eastern part of the district than either the affluent white collar areas of far southeast or of southwest Harris County. Since the structure of this district had originally been designed to balance these two areas and their respective socio-economic characteristics, the "Baytown bridge" was utilized to unite the two areas. It should be noted that both the county commissioner's precinct and the San Jacinto Community College District recognize the linked community of interest that the two sides of the channel share. As mentioned elsewhere, some of the splitting of precincts in this area also resulted from concerns over the potential political support for rival politicians in the Democratic primary.

Just as the communities on both sides of the Ship Channel share economic and political interests and viewpoints, I can assure you after 12 years of representing them that the middle- to slightly upper-middle-class Anglo and African American communities of southwest Houston express far more in the way of common

economic and political attitudes than they do with both their more and less affluent neighbors.

Overall, redistricting left the ethnic balance of CD 25 relatively unchanged. The political balance in the district has shifted somewhat more to the Republican side, but the district still leans Democratic by about a 55/45% margin. It is, however, quite possible for a Republican candidate to prevail, depending on distribution of turnout and relative strength of the candidates, particularly among the approximately 25-30% of voters who split their tickets.

CD 18: This is the traditionally African American district first held by Cong. Barbara Jordan and subsequently by the late Cong. Mickey Leland. Following Cong. Leland's tragic death in 1989, the seat was won by State Sen. Craig Washington, who was the incumbent congressman at the time of redistricting.

When redrawn in 1981, old CD 18 had a Black population in the low 40% range and a Hispanic population in the low 30's. This arrangement produced a stable African American-dominated district due in part due to the strong coalition politics inherent in the two communities at that time and characterized by the appeal and work of Cong. Leland. Also, the relatively low citizenship, registration and participation of the Hispanic population probably gave the Black community an outright majority of the voting public. By the end of the decade, the population percentages had almost fully reversed due to the depopulation of the inner city and the growth in the Hispanic community. With the previously mentioned political differences over city council seats and the loss of the unifying force of Cong. Leland's personality, the district was developing into a potential inter-ethnic battleground, both figuratively and literally.

The major African American communities consisted of Cong. Washington's base in 3rd Ward, former

Cong. Leland's home territory in 5th Ward, and 4th Ward, Acres Homes, Studewood and the Northeast/North Forest areas to the north, with the northern edge of Sunnyside and South Park to the south. The Hispanic communities stretched from East End and Denver Harbor to the south and east, northward through the N. Main area up to Aldine, together with the growing Hispanic populations in the formerly all Anglo Heights and Montrose.

The Anglo population was also influential, particularly the politically organized gay and lesbian communities in the Montrose and the extremely affluent business and professional people residing in the Boulevard Oaks/Museum neighborhood to which Cong. Leland moved before his death.

A policy of "following the children of the community" was followed in the redrawing of CD 18 similar to that used in CD 25. Particularly on the north side, beyond Acres Homes and around Greenspoint and Intercontinental Airport, the outward migration of young adults into multi-family and some single family developments in previously Republican areas had occurred there on a large scale. In fact, Precinct 342 in that area contained the single largest number of unregistered African Americans of voting age of any precinct in Harris County. Additional population was added on the north side consisting of those Anglo and minority portions of Sen. Green's home area, formerly in CD 8, that were left out of CD 29 due to the efforts of Rep. Martinez.

The depopulation of the inner city also necessitated the transfer of large portions of CD 25 in the Sunnyside/South Park areas to CD 18, resulting in the narrow neck connecting the eastern and western halves of CD 25. The particular bumps and twists in that area resulted partly from the desire of Rep. Ron Wilson to have his home area included in CD 25 and of Cong. Andrews to

retain the politically potent precincts 240, 158 and 294 in his district.

The Memorial/Spring Branch neck and its genesis have been described in detail elsewhere in this report. As mentioned, this is almost purely the result of political ambition and is not racially derived. The other major addition to CD 18 is the extension leading out Southwest Freeway to the apartments in the Gulfton area. The reasons for this mirror those for the additions of the other apartment groupings, and the pattern is virtually the same in the State House (HD137) and State Senate (SD 6) plans.

CD 29. Virtually all of the salient features of CD 29 and its genesis have already been covered elsewhere in this report. Suffice it to say that, although created to empower a Hispanic majority, its shape and makeup are only partly determined by that motivation. There are sufficient concentrations of Hispanics outside the boundaries in Sen. (now Cong.) Green's base neighborhood, in Pasadena and in the Gulfton areas, and sufficient concentrations of Anglos included inside the district in relatively non-compact ways that the oddities of shape were clearly avoidable if one attempts to explain the district by race. Exhibit 16E shows the location of numerous blocks with greater than 25% Hispanic population near Rep. Green's home area that could have been included in CD 29 in place of some of the southern "inkblots" and Anglos. Conversely, leaving this area out entirely would have permitted other portions of CD 29 to be shaped more smoothly. If either Sen. Green or Rep. Martinez had not injected their political and personal considerations, the results could have been significantly more uniform.

CD 7, 8, 9 and 22. The prime features of these districts were also previously covered, with preservation of incumbents, multiple political representation and political

effectiveness being the major considerations. With the exception of CD 8, none of them changed significantly from their former configurations.

In the case of CD 8, a previously contestable Republican-held seat was turned into a safe seat for Anglo Republican Cong. Jack Fields. The Woodlands area in Montgomery County was added into his district in many of the plans offered by Republicans, and is geographically, socially and economically close to his home base in the Kingwood/Humble area. He is also politically quite compatible with the Aggies at Texas A&M who were added to CD 8, even if he did attend Baylor.

SECTION 4

In my professional opinion as a political consultant and as a former Legislator, the alternative plan presented by the plaintiffs represents a severe violation of the Voting Rights Act and of the principles of equity that the Texas Legislature has consistently tried to follow, by both packing and fragmenting minority communities. The overall structure would create two majority minority districts in Harris County, but neither would have a dominant minority. (See Exhibit ___ for a population and electoral breakdown of the districts.) The proposed CD 29 would probably not have a voting majority of minorities even if the communities could overcome their differences and back a single candidate. It would most likely represent a safe Democratic seat for an Anglo like Cong. Green or Sen. John Whitmire.

CD 18 would be returned under this proposal to a configuration similar to its 1981 makeup, and would most likely elect a candidate favored by the African American community at the outset. Given the demographic shifts that have been occurring, it is likely that this district, too, would reverse, setting the stage for later conflict.

The treatment of the remainder of the African American community is inexplicable in this day and age. The proposed plan buries the entire southern portion of that community in a newly configured CD 25 in which they would be totally dominated by a River Oaks/Tanglewood/West University axis in the general election, and for that matter in the Republican primary if they chose to realign. As such, it parallels the worst racial gerrymandering abuses that created the impetus for the Voting Rights Act. Removing Acres Homes from its traditional place in CD 18 and making it a small minority within the proposed CD 29 is equally hard to explain or justify.

SECTION 5

Summary: Although not ideal, the Harris County Congressional district boundaries adopted by the Texas Legislature constitute a good-faith effort to respect the interests of county residents and the laws of the United States, including the Voting Rights Act. Although the districts are not composed of the most simple and compact shapes possible, they do so for reasons of valid public purpose and prerogatives that prior court decisions have left to the realm of the Legislative Branch. The shapes are not explainable solely on account of race, but in fact have a myriad of contributing explanations. In no instance do any of the districts come close to the format of those rejected by the Supreme Court in *Shaw v. Reno*, and attempts to create such egregious districts were rejected.

By contrast, the plan proposed by the Plaintiffs virtually embodies the principles of fragmentation and packing that Congress attempted to outlaw through the Voting Rights Act. Given the severe political hostilities that have frequently broken out of late between the African American and Hispanic communities, most recently over the appointment of the HISD superintendent,

it is irresponsible and possibly down-right dangerous to the peace and well-being of the overall community to propose a Congressional district plan that not only denies either community an effective voting majority in a district but pits them against each other in a struggle for representation in two districts.

State's Exhibit 18

DEMOGRAPHIC COMPARISONS

CONGRESSIONAL DISTRICTS 18, 29 & 30

1	INTRODUCTION
2	CONGRESSIONAL DISTRICT 30
3	CONGRESSIONAL DISTRICTS 18 AND 29
4	SUMMARY COMMENTS
5	APPENDICES

THE UNIVERSITY OF TEXAS AT ARLINGTON
SCHOOL OF URBAN AND PUBLIC AFFAIRS

June 24, 1994

This is a demographic profile of three congressional districts of the State of Texas, Congressional Districts 18, 29 and 30. Districts 18 and 29 are in Harris County (Houston); District 30 is in the Dallas metropolitan area.

The data describing each district, in comparison with regional data, are presented in sections 2 and 3. Section 4 is an analysis and summation of the districts' data vis a vis the county/metropolitan data.

Section 5, Appendices consists of demographic and descriptive commentary from other published reports, particularly Chambers of Commerce. The xeroxed pages previously provided are inserted (in plastic protectors) immediately before the publication from the particular pages were copied.

Paul N. Gensel, PhD
Professor of Urban Affairs & Sociology

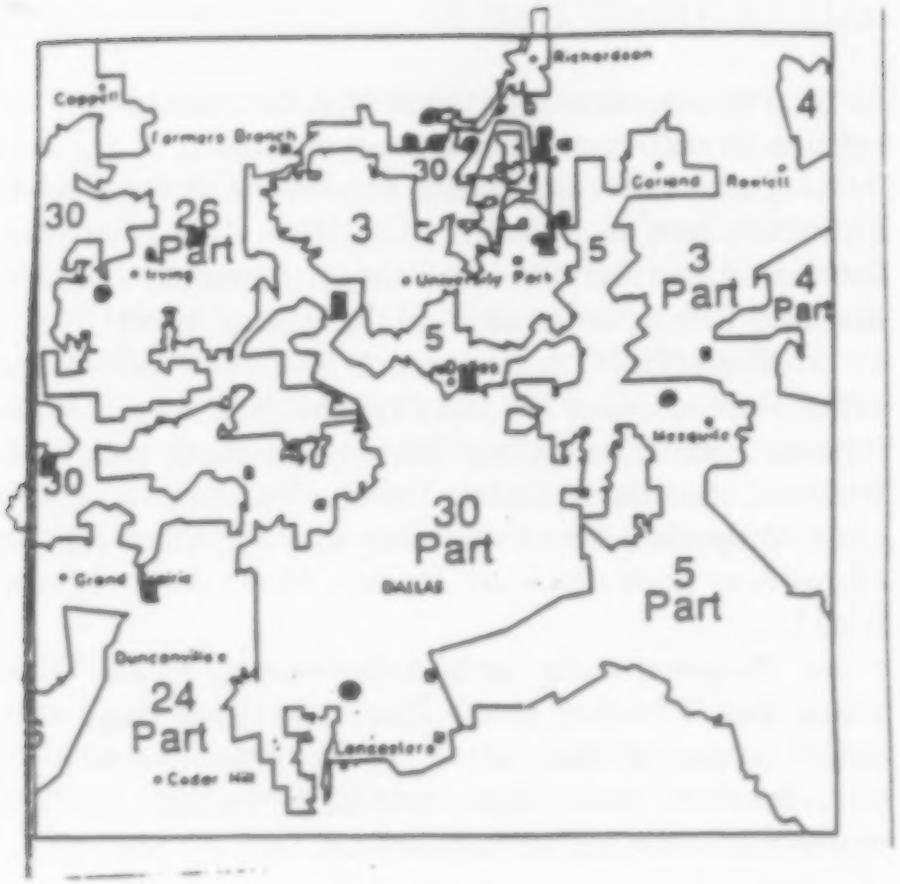
DALLAS COUNTY MAP

The map indicates the district boundaries and the location of major activity centers in the area.

Large office complexes are located in the Central Business District, Central Corridor, LBJ Corridor, StemMons Corridor and Las Colinas. These are radial in character with a portion in all of the districts except #4.

The colleges are Southern Methodist University, Dallas Baptist University and Paul Quinn College. Dallas County Community College District has seven campuses: Richland; Eastfield; Cedar Valley; Brookhaven; North Lake; Mountain View; and El Centro. Only three of these educational institutions are located within Loop 12 and IH635.

Shopping malls, such as the Galleria, Valley View, Irving Mall, Red Bird, North, Prestonwood and Big Town, are all located outside of the central core. The point of this is that the major employment and training opportunities are highly dispersed.



MEDIA

The following is a brief list of media - press, radio, TV - in this single market area:

This is obviously one media market with all forms - press, radio and TV - equally available throughout one Dallas/Fort Worth Metroplex.

NEWSPAPERS

Daily Newspapers

The Dallas Morning News
Communications Center
508 Young St.
Dallas, TX 75202
214/977-8222

Fort Worth Star-Telegram
400 West 7th St.
Fort Worth, TX 76102
817/390-7400

Fort Worth Star-Telegram
Dallas Bureau
2730 N. Stemmons Frwy.,
Suite 211
Dallas, TX 75207
214/637-6614

The New York Times
400 S. Record St., Suite 820
Dallas, TX 75202
214/760-7813

USA Today
708 Main St., Suite 1003
Houston, TX 77002
713/223-5688

Wall Street Journal
1233 Regal Row
Dallas, TX 75247
214/631-7250

The Wall Street Journal - Texas Journal
9111 King Arthur Drive
Dallas, TX 75247
214/631-7250

Chinese Daily News
400 N. Greenville Ave., Suite 17
Richardson, TX 75081
214/680-9151

Weekly Newspapers

Black Economic Times
1402 Corinth
Dallas, TX 75215
214/421-7063

Dallas Business Journal
4131 N. Central Expwy., Suite 310
Dallas, TX 75204
214/520-1010

Dallas Chinese Times
811 Central Expwy., Suite 417
Richardson, TX 75081
214/907-1919

Dallas Chinese News
200 S. InterUrban Street
Richardson, TX 75081
214/680-9578

Dallas Examiner (Black Community)
424 Centre
Dallas, TX 75208
214/948-9175

The Dallas Post Tribune (Black Community)
2726 S. Beckley Avenue
Dallas, Texas 75224
214/946-7678

Dallas Observer
3211 Irving Blvd., Suite 110
Irving, TX 75247
214/637-2072

Dallas Weekly (Black Community)
3101 Martin Luther King Blvd.
Dallas, TX 75215
214/428-8958

El Extra (Spanish Community)
2405 S. Buckner Blvd.
Dallas, TX 75227
214/388-0506

El Hispano News (Spanish Community)
10911 Dennis Road, Suite 502
Dallas, TX 75229
214/357-2186

El Sol de Texas (Spanish Community)
P.O. Box 803402
Dallas, TX 75380
214/386-9120

Irving News
1000 Avenue H, East
Arlington, TX 76011
Metro 817/695-0500

Mesquite News
P.O. Box 850136
Mesquite, TX 75185
214/285-6302

Metrocrest News
1720 Josey Lane, #100
Carrollton, TX 75006
214/418-9999

North Dallas Community News (Black Community)
12770 Coit road, Suite 602
Dallas, TX 75251
214/352-0304

Oak Cliff Tribune
2303 W. Ledbetter, Suite 200
Dallas, TX 75224
214/339-3111

Park Cities News
8115 Preston Road, Suite 120
Dallas, TX 75225
214/369-7570

Park Cities People
6116 N. Central Expwy., Suite 230
Dallas, TX 75206
214/739-2244

Plano Star-Courier
801 E. Plano Parkway
Plano, TX 75074
214/424-6565

Richardson News
P.O. Box 830630
Richardson, TX 75083
214/234-3198

Monthly Newspaper
Minority Business News (For all minorities)
11333 N. Central Expwy., Suite 201
Dallas, TX 75243
214/369-3200

MAGAZINES

Advertising Age
21 Robin Lake
Houston, TX 77024
713/952-2065

Adweek
2909 Cole Ave.
Suite 220
Dallas, TX 75204
214/871-9550

Business Horizons Magazine
The World Trade Center
2050 Stemmons Freeway, Suite 175
P.O. Box 58203
Dallas, TX 75258-9998
214/748-7870

Business Week
1509 Main St.
Suite 603
Dallas, TX 75201
214/760-7413

Dallas Family
3102 Oaklawn, Suite 540
Dallas, TX 75219
214/443-0440

Texas Monthly
P.O. Box 1569
Austin, TX 78767
512/476-7085

Today's Dallas Woman
3810 Inwood Road, Suite 203
Dallas, TX 75209
214/350-9880

RADIO

KDMX-FM (102.9)
Format: Adult Contemporary
1353 Regal Row
Dallas, TX 75247
214/688-0641

KEGL-FM (97.1)
Format: Contemporary Hit Radio
One Xerox Center, Suite 1400
222 Las Colinas Blvd.
Irving, TX 75039
214/869-9700

KERA-FM (90.1)
Format: News/Public Affairs/Adult Alternative
3000 Harry Hines Blvd.
Dallas, TX 75201
214/871-1390

KESS-AM (1270)
Format: Spanish
7700 Carpenter Freeway
Dallas, TX 75247
214/263-0700

KFJZ-AM (870)
Format: Spanish
2214 East 4th
Fort Worth, TX 76102
Metro (817) 429-1630

KGBS-AM (1190)
Format: News & Information
3500 Maple Ave., Suite 1470-LB 46
Dallas, TX 75219
214/526-2580

KISS-FM (106.1)
Format: Top 40
8235 Douglas, Suite 300
Dallas, TX 75225
214/891-3400

KJMZ-FM (100.3) Urban Contemporary
KHVN-AM (970) Gospel Inspirational Music
545 E. John Carpenter Freeway, 17th Floor
Irving, TX 75062
214/556-8100

KKDA-FM (104.5) Urban Contemporary
KKDA-AM (730) Urban/Adult
621 Northwest 6th Street
Grand Prairie, TX 75053
214/263-9911

KLIF-AM (570) All Talk
KPLX-FM (99.5) Modern Country
3500 Maple Ave.
Suite 1600
Dallas, TX 75219
214/526-2400

KLUV-FM (98.7)
Format: Oldies
4131 N. Central Expressway., Suite 700
Dallas, TX 75204
214/526-9870

KNON-FM (89.3)
Format: Community Radio
P.O. Box 710909
Dallas, TX 75371
214/828-9500

KOAI-FM (107.5)
Format: Smooth Jazz
5956 Sherry Lane, Suite 2000
Dallas, TX 75225
214/691-1075

KRLD-AM (1080
Format: News, Sports & Information
1080 Metromedia Place
Dallas, TX 75247
214/634-1080

KSNN (94.9) Sunny 95
Format: Oldies, Country
545 E. John Carpenter Freeway, Suite 1560
Dallas, TX 75062
214/556-1092

KSSA-AM (1600) Variety/"Radio Variedades"
KRVA-FM Contemporary Spanish/"Latin 107"
3500 Maple Ave., Suite 1310
Dallas, TX 75219
214/528-1600

KVIL-FM/AM
Format: Adult Contemporary
9400 North Central Expwy., Suite 1600
Dallas, TX 75231
214/691-1037

KTXQ-FM (102.1)
Format: Album Rock
4131 N. Central Expressway, Suite 1200
Dallas, TX 75204
214/528-5500

KZPS-FM (92.5) Classic Rock
KAAM-AM (1310) Big Band & Great Singers
15851 Dallas Parkway, Suite 1200
Dallas, TX 75248
214/770-7777

KXEB-AM (910)
Format: Spanish - Language
8204 Elmbrook Drive, Suite 119
Dallas, TX 75247
214/426-6110

KYNG-FM (105.3)
Format: Young Country
2 Forest Plaza
12201 Merit Drive, Suite 930
Dallas, TX 75251
214/716-7800

WBAP-AM (820) Country/MOR
KSCS-FM (96.3) Continuous Country
One Broadcast Hill
Fort Worth, TX 76103
Metro(817)429-2330

WRR-FM
Fair Park Grounds
1516 1st Avenue
Dallas, TX 75266
(214) 670-8888

TELEVISION

Channel 4- KDFW
400 N. Griffin
Dallas, TX 75202
214/720-4444

Channel 5 - KXAS
3900 Barnett St.
Fort Worth, TX 76101
Metro 817/429-5555

Channel 5 - KXAS
3100 McKinnon, Suite 370
Dallas, TX 75201
214/745-5555

Channel 8 - WFAA
Communications Center
606 Young St.
Dallas, TX 75202
214/748-9631

Channel 11 - KTVT
5233 Bridge St.
Fort Worth, TX 76103
(Metro) 817/654-1100

2777 Stemmon Freeway
Stemmons Place, Suite 1189
Dallas, TX 75207
214/637-2211

Channel 13 -KERA (PBS)
3000 Harry Hines Blvd.
Dallas, TX 75201
214/871-1390

Channel 21 - KTXA
1712 E. Randol Mill Road
Arlington, TX 76011
817/265-2100

Channel 23- KUVN
3720 Marquis
Garland, TX 75042
214/494-0023

Channel 27 - KDFI
433 Regal Row
Dallas, TX 75247
214/637-2727

Channel 33 - KDAF
8001 Carpenter Freeway
Dallas, TX 75247
214/634-8833

Channel 39 - KXTX
3900 Harry Hines Blvd.
Dallas, TX 75219
214/521-3900

Cable News Network (CNN)
1201 Main Street, Suite 1525
Dallas, TX 75202
214/747-1440

SUMMARY COMMENTS FOR THE DALLAS AREA

The central point of data presented, concerning various communities in which portions of District 30 serves, is that there is one economy, one transportation system, one media/communications system and one higher educational system. An example is that each city lists DART (Dallas Area Rapid Transit) as a local transportation system. Indeed it is possible to travel to all parts of the district, except that small area of Grand Prairie, by bus. Each city lists the major media. Each identifies Love Field and DFW as airport servers. Each identifies the same colleges and universities as available to the citizens of their respective communities.

Urban congressional districts, because of the population densities, can physically appear rather odd. The principal reason for this is that the densities require using a very precise census tool, i.e., census blocks, as geographic limits. This then produces a peculiar looking map. The truth, however, is that District 30 is quite compact. It represents a constituency that has a genuine focus not only for black citizens but the region as a whole.

Common political issues this year alone include: the Super Conducting Super Collider whose economic value was for all of the DFW area; funding for the C-17 defense project; the effort to rename a Federal building, in downtown Dallas, after A. Maceo Smith.

Obviously, the District 30 populations tends to be younger, less well educated, in lower socio-economic groups, with higher unemployment and a greater proportion of non-white. Than the other congressional districts in the Dallas area. The resolution of these challenges is in union with the other districts. However one would wish to divide the city, the constituent demands are the same: jobs; opportunities; community safety.

DALLAS METROPOLITAN AREA - 30TH CONGRESSIONAL DISTRICT

Compiled from the U.S. Dept. of Commerce, Bureau of Census 1990 Census

30TH CONGRESSIONAL DISTRICT			DALLAS COUNTY STATISTICAL FACTS		
Place & County Subdivision					
City		Persons			
Arlington (pt)		797			
Balch Springs (pt)		1,748			
Dallas (pt)		453,114			
DeSoto (pt)		18,384			
Duncanville (pt)		5,015			
Farmers Branch (pt)		1,445			
Garland (pt)		870			
Grand Prairie (pt)		27,688			
Irving (pt)		61,844			
Lancaster (pt)		16,824			
Mesquite (pt)		91			
Plano (pt)		6,900			
Richardson (pt)		6,892			
Age			**Age**		
00-19 Years Old -		177,203 (25%)	00-19 Years Old -		536,215 (29%)
20-24 Years Old -		64,336 (10%)	20-24 Years Old -		148,345 (8%)
25-34 Years Old -		98,336 (16%)	35-54 Years Old -		404,068 (22%)
35-44 Years Old -		48,335 (7%)	55-44 Years Old -		290,840 (16%)
45 + Years Old -		81,087 (16%)	45 + Years Old -		483,345 (25%)
Ethnicity			**Ethnicity**		
White		212,481	White		1,070,096
Black		241,221	Black		143,850
Amerind		2,383	Amerind		3,557
Asian		11,332	Asian		19,781
Other		34,966	Other		81,187
Hispanic		96,732	Hispanic		130,033
Place of Birth			**Place of Birth**		
Native		507,194	Native		1,654,543
Born in State		375,467	Born in State		1,049,154
Born in diff. State		127,797	Born in diff. State		555,389
Born Abroad		3,930	Born Abroad		19,666
Foreign born		59,783	Foreign born		196,328
Residence in 1985			**Residence in 1985**		
Same House	:	216,478	Same House	:	759,586
Different house in U.S.	:	485,640	Different house in U.S.	:	893,187
Same county	:	301,745	Same county	:	616,568
Different county	:	83,895	Different county -	:	220,342
Workers over 16 years of age, transportation to work			**Workers over 16 years of age, transportation to work**		
Car, truck or van	:	228,099	Car, truck or van	:	854,485
Drove alone	:	181,913	Drove alone	:	718,709
Carpooled	:	46,156	Carpooled	:	135,776
Public transp.	:	20,513	Public transp.	:	39,986
Walked	:	8,681	Walked	:	19,027
Other means	:	3,004	Other means	:	9,168
Worked at home	:	3,447	Worked at home -		20,480
Mean travel time to work (Minutes) - 24.7			*Mean travel time to work (Minutes) - ?*		

DALLAS METROPOLITAN AREA - 30TH CONGRESSIONAL DISTRICT

Extracted from the U.S. Dept. of Commerce, Bureau of Census 1990 Census

Education				Education			
Persons 3 yrs + enrolled in School				Persons 3 yrs + enrolled in School			
Preprimary school	:	13,370		Preprimary school	:	33,420	
Elementary or HS	:	104,093		Elementary or HS	:	320,060	
Public school	:	98,529		Public school	:	285,933	
College	:	36,881		College	:	126,185	
Public college	:	28,443		Public college	:	98,166	
Persons 25 years & over education level				Persons 25 years & over education level			
Less than 9th grade	:	43,057 (11%)		Less than 9th grade	:	113,762 (10%)	
9th to 12th, no diploma	:	65,316 (16%)		9th to 12th, no diploma	:	151,088 (13%)	
HS Graduate (incl. GED)	:	88,707 (22%)		HS Graduate (incl. GED)	:	441,700 (24%)	
Some college, no degree	:	69,152 (18%)		Some college, no degree	:	555,960 (22%)	
Associate degree	:	21,457 (5%)		Associate degree	:	83,701 (8%)	
Bachelor's degree	:	38,611 (10%)		Bachelor's degree	:	210,561 (18%)	
Grad. or Prof. degree	:	16,359 (4%)		Grad. or Prof. degree	:	94,480 (7%)	
Labor Force Status				Labor Force Status			
In labor force	:	299,919		In labor force	:	1,029,714	
Civ. labor force	:	298,824		Civ. labor force	:	1,027,304	
Employed	:	270,387		Employed	:	962,376	
Unemployed	:	28,447		Unemployed	:	64,828	
Females 16 years & over	:	220,060		Females 16 years & over	:	722,451	
In labor force	:	143,478		In labor force	:	469,851	
Civ. labor force	:	143,311		Civ. labor force	:	469,356	
Employed	:	128,161		Employed	:	440,948	
Unemployed	:	15,152		Unemployed	:	28,408	
Class of Worker				Class of Worker			
Private wage & salary wkrs.	:	222,964		Private wage & salary wkrs.	:	796,446	
Local government wkrs.	:	17,681		Local government wkrs.	:	51,919	
State government wkrs.	:	6,116		State government wkrs.	:	19,704	
Federal government wkrs.	:	10,078		Federal government wkrs.	:	28,747	
Self employed wkrs.	:	12,853		Self employed wkrs.	:	67,189	
Unpaid family wkrs.	:	695		Unpaid family wkrs.	:	3,971	
Occupation, employed 16 years & older				Occupation, employed 16 years & older			
Managerial & professional sp.	:	33,514		Managerial & professional sp.	:	270,732	
Exec., admin. & managrial occ.	:	27,098		Exec., admin. & managrial occ.	:	140,951	
Professional specialty occ.	:	26,316		Professional specialty occ.	:	129,781	
Tech., sales & adm. sup. occ.	:	81,611		Tech., sales & adm. sup. occ.	:	344,783	
Technicians & related support	:	9,792		Technicians & related support	:	37,430	
Sales occupations	:	29,758		Sales occupations	:	126,802	
adm. support incl. clerical	:	32,980		adm. support incl. clerical	:	180,551	
Service occupations	:	48,658		Service occupations	:	120,455	
Private household occupations	:	1,329		Private household occupations	:	6,461	
Protective svc. occupations	:	4,480		Protective svc. occupations	:	13,586	
Svc. occ. except prot. & hhld	:	40,849		Svc. occ. except prot. & hhld	:	100,408	
Farming, forestry & fishing oc	:	1,535		Farming, forestry & fishing oc	:	9,847	
Precision prod., crft & repair	:	26,941		Precision prod., crft & repair	:	93,752	
Operators, fabricators & laborers	:	47,778		Operators, fabricators & laborers	:	125,509	
Mach. oper. assmblrs & insp.	:	20,822		Mach. oper. assmblrs & insp.	:	54,154	
Transp., & mtrial moving occ.	:	13,017		Transp., & mtrial moving occ.	:	32,597	
Handlr. equip clnr, hlpr & lab	:	13,986		Handlr. equip clnr, hlpr & lab	:	35,761	

DALLAS METROPOLITAN AREA - 30TH CONGRESSIONAL DISTRICT

Extracted from the U.S. Dept. of Commerce, Bureau of Census 1990 Census

Industry, employed 16 years & older			Industry, employed 16 years & older		
Agriculture, forestry & fishry	: 5,066	(2%)	Agriculture, forestry & fishry	: 10,914	(1%)
Construction	: 15,338	(7%)	Construction	: 50,927	(5%)
Manufacturing-Nondurable goods	: 15,714	(8%)	Manufacturing-Nondurable goods	: 54,585	(6%)
Manufacturing-Durable goods	: 22,269	(9%)	Manufacturing-Durable goods	: 97,345	(10%)
Transportation	: 16,158	(8%)	Transportation	: 50,366	(5%)
Communication & other pub util	: 8,415	(4%)	Communication & other pub util	: 39,480	(4%)
Wholesale trade	: 14,015	(7%)	Wholesale trade	: 59,902	(6%)
Retail trade	: 49,421	(24%)	Retail trade	: 164,421	(18%)
Finance, insurance & real est	: 25,630	(9%)	Finance, insurance & real est	: 98,856	(11%)
Business & repair services	: 19,533	(7%)	Business & repair services	: 69,116	(7%)
Personal, entertain & rec svcs	: 17,505	(7%)	Personal, entertain & rec svcs	: 37,665	(4%)
Professional health services	: 19,455	(7%)	Professional health services	: 60,017	(6%)
Professional educational svcs	: 15,787	(6%)	Professional educational svcs	: 58,158	(6%)
Other prof & related svcs	: 15,362	(6%)	Other prof & related svcs	: 70,030	(7%)
Public administration	: 9,589	(4%)	Public administration	: 28,754	(3%)
Persons 16 & over who worked in 1989			Persons 16 & over who worked in 1989		
Usually wrkd 35+ hr wk 50-52 wks	: 172,040		Usually wrkd 35+ hr wk 50-52 wks	: 270,077	
Usually wrkd 35+ hr wk 40-49 wks	: 39,515		Usually wrkd 35+ hr wk 40-49 wks	: 48,947	
Usually wrkd 35+ hr wk 27-39 wks	: 16,681		Usually wrkd 35+ hr wk 27-39 wks	: 28,417	
Usually wrkd 34- hr wk 40-52 wks	: 23,599		Usually wrkd 34- hr wk 40-52 wks	: 106,825	
Work in family in 1989			Work in family in 1989		
No workers	: 14,097		No workers	: 27,132	
1 worker	: 43,086		1 worker	: 133,916	
2 or more workers	: 76,855		2 or more workers	: 297,332	
Income (in 1989 dollars)			Income (in 1989 dollars)		
Number of Households	(211,272)		Number of Households	(703,321)	
Household Less than $5,000	: 20,819	(10%)	Household Less than $5,000	: 39,611	(6%)
Household $5,000 to $9,999	: 21,830	(10%)	Household $5,000 to $9,999	: 47,020	(7%)
Household $10,000 to $14,999	: 24,996	(12%)	Household $10,000 to $14,999	: 55,023	(8%)
Household $15,000 to $24,999	: 49,519	(23%)	Household $15,000 to $24,999	: 128,148	(18%)
Household $25,000 to $34,999	: 36,205	(17%)	Household $25,000 to $34,999	: 108,551	(15%)
Household $35,000 to $49,999	: 31,495	(15%)	Household $35,000 to $49,999	: 128,761	(18%)
Household $50,000 to $74,999	: 20,103	(10%)	Household $50,000 to $74,999	: 108,985	(15%)
Household $75,000 to $99,999	: 5,831	(3%)	Household $75,000 to $99,999	: 39,330	(5%)
Household $100,000 or more	: 4,586	(2%)	Household $100,000 or more	: 39,486	(6%)
Median (dollars)	$23,144		Median (dollars)	$32,619	
Number of families	(134,816)		Number of families	(468,413)	
with income less than $5,000	: 11,817	(9%)	with income less than $5,000	: 20,541	(4%)
$5,000 to $9,999	: 11,108	(8%)	$5,000 to $9,999	: 31,247	(5%)
$10,000 to $14,999	: 13,625	(10%)	$10,000 to $14,999	: 30,459	(6%)
$15,000 to $24,999	: 28,179	(21%)	$15,000 to $24,999	: 77,251	(16%)
$25,000 to $34,999	: 23,767	(17%)	$25,000 to $34,999	: 77,040	(16%)
$35,000 to $49,999	: 22,414	(17%)	$35,000 to $49,999	: 93,074	(20%)
$50,000 to $74,999	: 13,783	(10%)	$50,000 to $74,999	: 88,590	(19%)
$75,000 to $99,999	: 4,628	(3%)	$75,000 to $99,999	: 31,444	(7%)
$100,000 or more	: 7,097	(5%)	$100,000 or more	: 34,038	(7%)
Median (dollars)	$25,900		Median (dollars)	$39,104	

18TH AND 29TH CONGRESSIONAL DISTRICTS

Both of these districts are essentially in the city of Houston and represent historic political wards of the city. These wards have long traditions as African-American and Hispanic communities.

The configurations of these districts show boundaries which at first glance appear complicated. This is due in large part to the utilization of census block data for the district compilations. This degree of detail is characteristic of urban data and represents precision unique to city areas.

The populations in all the Houston districts share the same political concerns with regard to education, employment, and transportation issues. The tabular demographis shown on the next few pages indicate that while the populations in districts 18 and 29 are younger, poorer, and essentially non-white the work force characteristics are very similar with the rest of the population in Harris County.

In total physical size districts 18 and 29 are small as congressional districts. It is possible to visit all parts of either district in any direction in less than 1 hour.

The media and other communication accesses to these districts is similar. They share radio, press, TV systems with all the congressional districts in Harris County.

[Map of Harris County Congressional District
omitted in Printing]

HARRIS COUNTY - 18TH CONGRESSIONAL DISTRICT

Extracted from the U.S. Dept. of Commerce, Bureau of Census 1990 Census

18TH CONGRESSIONAL DISTRICT		HARRIS COUNTY STATISTICAL FACTS	
Place & County Subdivision			
City	Persons		
Aldine CDP (pt)	5,708		
Galena Park (pt)	-		
Houston city (pt)	458,411		
Humble city (pt)	1,248		
Age			
00-19 Years Old -	170,812 (30%)	00-19 Years Old -	887,500 (31%)
20-24 Years Old -	50,076 (9%)	20-24 Years Old -	217,106 (8%)
25-34 Years Old -	113,963 (20%)	25-34 Years Old -	579,646 (20%)
35-44 Years Old -	84,883 (15%)	35-44 Years Old -	468,101 (17%)
45 + Years Old -	145,853 (26%)	45 + Years Old -	665,846 (24%)
Ethnicity		**Ethnicity**	
White	213,315	White	1,070,096
Black	288,382	Black	143,850
Americnd	1,276	Americnd	3,527
Asian	17,180	Asian	19,181
Other	46,064	Other	81,387
Hispanic	86,840	Hispanic	150,033
Place of Birth		**Place of Birth**	
Native	505,809	Native	2,414,225
Born in State	377,258	Born in State	1,598,273
Born in diff. State	124,616	Born in diff. State	784,099
Born Abroad	3,935	Born Abroad	31,853
Foreign born	25,850	Foreign born	403,974
Residence in 1985		**Residence in 1985**	
Same House -	257,792	Same House -	1,163,661
Different house in U.S. -	247,038	Different house in U.S. -	1,106,617
Same county -	195,169	Same county -	761,539
Different county -	120,265	Different county -	345,078
Workers over 16 years of age, transportation to work		**Workers over 16 years of age, transportation to work**	
Car, truck or van -	210,379	Car, truck or van -	2,016,974
Drove alone -	172,296	Drove alone -	1,021,841
Carpooled -	38,083	Carpooled -	195,934
Public transp. -	20,500	Public transp. -	60,319
Walked -	7,749	Walked -	31,984
Other means -	3,505	Other means -	16,628
Worked at home -	4,579	Worked at home -	27,462
Mean travel time to work (Minutes) - 25.5		*Mean travel time to work (Minutes) - ?*	

HARRIS COUNTY - 18TH CONGRESSIONAL DISTRICT

Education

Persons 3 yrs + enrolled in School		
Preprimary school	-	8.281
Elementary or HS	-	104.070
Public school	-	98.617
College	-	41.792
Public college	-	35.081
Persons 25 years & over education level		
Less than 9th grade	-	44.513 (13%)
9th to 12th, no diploma	-	70.659 (20%)
HS Graduate (incl. GED)	-	90.684 (26%)
Some college, no degree	-	65.119 (19%)
Associate degree	-	13.762 (4%)
Bachelor's degree	-	39.721 (12%)
Grad. or Prof. degree	-	20.868 (6%)

Labor Force Status

In labor force	-	282.546
Civ. labor force	-	282.255
Employed	-	252.439
Unemployed	-	29.816
Females 16 years & over	-	220.160
In labor force	-	130.698
Civ. labor force	-	139.679
Employed	-	116.500
Unemployed	-	14.179

Class of Worker

Private wage & salary wkrs.	-	201.728
Local government wkrs.	-	17.109
State government wkrs.	-	11.428
Federal government wkrs.	-	6.434
Self employed wkrs.	-	15.079
Unpaid family wkrs.	-	661

Occupation, employed 16 years & older

Managerial & professional sp.	-	57.552
Exec., admin. & mngrial occ.	-	25.769
Professional specialty occ.	-	31.783
Tech., sales & adm. sup. occ.	-	80.747
Technicians & related support	-	10.367
Sales occupations	-	27.753
adm. support incl. clerical	-	42.627
Service occupations	-	46.399
Private household occupations	-	3.440
Protective svc. occupations	-	5.146
Svc. occ. except prot. & hhld	-	37.773
Farming, forestry & fishing oc	-	2.657
Precision prod., crft & repair	-	26.744
Opertrs., fabrictrs & laborers	-	38.380
Mach. oper, assmblrs & insp.	-	11.936
Transp., & mtrial moving occ.	-	14.650
Handlr. equip clnr, hlpr & lab	-	11.794

Education

Persons 3 yrs + enrolled in School		
Preprimary school	-	54.476
Elementary or HS	-	544.419
Public school	-	510.010
College	-	197.317
Public college	-	165.207
Persons 25 years & over education level		
Less than 9th grade	-	194.339 (12%)
9th to 12th, no diploma	-	235.397 (14%)
HS Graduate (incl. GED)	-	398.463 (23%)
Some college, no degree	-	365.313 (21%)
Associate degree	-	84.299 (5%)
Bachelor's degree	-	297.044 (17%)
Grad. or Prof. degree	-	138.728 (9%)

Labor Force Status

In labor force	-	1.486.661
Civ. labor force	-	1.484.762
Employed	-	1.381.829
Unemployed	-	102.933
Females 16 years & over	-	1.065.328
In labor force	-	649.767
Civ. labor force	-	649.610
Employed	-	601.710
Unemployed	-	47.900

Class of Worker

Private wage & salary wkrs.	-	1.142.010
Local government wkrs.	-	67.365
State government wkrs.	-	47.623
Federal government wkrs.	-	27.295
Self employed wkrs.	-	85.263
Unpaid family wkrs.	-	5.161

Occupation, employed 16 years & older

Managerial & professional sp.	-	397.591
Exec., admin. & mngrial occ.	-	192.517
Professional specialty occ.	-	205.074
Tech., sales & adm. sup. occ.	-	469.424
Technicians & related support	-	60.852
Sales occupations	-	180.067
adm. support incl. clerical	-	228.505
Service occupations	-	174.911
Private household occupations	-	10.569
Protective svc. occupations	-	23.275
Svc. occ. except prot. & hhld	-	141.067
Farming, forestry & fishing oc	-	13.298
Precision prod., crft & repair	-	157.027
Opertrs., fabrictrs & laborers	-	169.578
Mach. oper, assmblrs & insp.	-	60.812
Transp., & mtrial moving occ.	-	52.609
Handlr. equip clnr, hlpr & lab	-	56.157

HARRIS COUNTY - 18TH CONGRESSIONAL DISTRICT

Industry employed 16 years & over

Agriculture, forestry & fishing	-	8.024 (3%)
Construction	-	16.528 (7%)
Manufacturing-Nondurable goods	-	12.567 (5%)
Manufacturing-Durable goods	-	15.817 (6%)
Transportation	-	16.850 (7%)
Communication & other pub util	-	7.141 (3%)
Wholesale trade	-	13.738 (5%)
Retail trade	-	44.486 (18%)
Finance, insurance & real est	-	16.059 (6%)
Business & repair services	-	17.362 (7%)
Personal, entertain & rec svcs	-	14.802 (6%)
Professional health services	-	23.439 (9%)
Professional educational svcs	-	20.931 (8%)
Other prof & related svcs	-	16.551 (7%)
Public administration	-	8.139 (3%)

Persons 16 & over who worked in 1989

Usually wrkd 35+ hr wk 50-52 wks	-	155.163
Usually wrkd 35+ hr wk 40-49 wks	-	31.433
Usually wrkd 35+ hr wk 27-39 wks	-	16.704
Usually wrkd 34- hr wk 40-52 wks	-	24.945

Work in family in 1989

No workers	-	17.510
1 worker	-	44.126
2 or more workers	-	70.773

Income (in 1989 dollars)

Number of Households		(208.265)
Household Less than $5.000	-	26.233 (13%)
Household $5.000 to $9.999	-	22.678 (11%)
Household $10.000 to $14.999	-	22.481 (11%)
Household $15.000 to $24.999	-	41.690 (20%)
Household $25.000 to $34.999	-	33.200 (16%)
Household $35.000 to $49.999	-	30.415 (14%)
Household $50.000 to $74.999	-	21.240 (10%)
Household $75.000 to $99.999	-	5.972 (3%)
Household $100.000 or more	-	4.356 (2%)
Median (dollars)	$22.531	
Number of families		(132.609)
with income less than $5.000	-	14.129 (11%)
$5.000 to $9.999	-	11.589 (9%)
$10.000 to $14.999	-	13.440 (11%)
$15.000 to $24.999	-	25.400 (19%)
$25.000 to $34.999	-	21.053 (16%)
$35.000 to $49.999	-	22.280 (17%)
$50.000 to $74.999	-	16.627 (13%)
$75.000 to $99.999	-	4.633 (4%)
$100.000 or more	-	3.677 (3%)
Median (dollars)	$25.662	

Industry employed 16 years & over

Agriculture, forestry & fishing	-	14.608 (1%)
Construction	-	114.099 (9%)
Manufacturing-Nondurable goods	-	88.011 (7%)
Manufacturing-Durable goods	-	98.769 (7%)
Transportation	-	77.761 (5%)
Communication & other pub util	-	39.2[illegible] (3%)
Wholesale trade	-	85.615 (6%)
Retail trade	-	231.66[illegible] (17%)
Finance, insurance & real est	-	102.124 (8%)
Business & repair services	-	90.860 (7%)
Personal, entertain & rec svcs	-	61.886 (5%)
Professional health services	-	90.000 (7%)
Professional educational svcs	-	111.263 (8%)
Other prof & related svcs	-	97.58[illegible] (7%)
Public administration	-	39.300 (3%)

Persons 16 & over who worked in 1989

Usually wrkd 35+ hr wk 50-52 wks	-	895.574
Usually wrkd 35+ hr wk 40-49 wks	-	160.412
Usually wrkd 35+ hr wk 27-39 wks	-	81.256
Usually wrkd 34- hr wk 40-52 wks	-	106.803

Work in family in 1989

No workers	-	58.409
1 worker	-	225.811
2 or more workers	-	424.611

Income (in 1989 dollars)

Number of Households		(1.027.818)
Household Less than $5.000	-	70.926 (6%)
Household $5.000 to $9.999	-	74.331 (7%)
Household $10.000 to $14.999	-	85.695 (8%)
Household $15.000 to $24.999	-	187.285 (18%)
Household $25.000 to $34.999	-	160.819 (16%)
Household $35.000 to $49.999	-	176.619 (17%)
Household $50.000 to $74.999	-	160.469 (16%)
Household $75.000 to $99.999	-	59.763 (6%)
Household $100.000 or more	-	56.911 (6%)
Median (dollars)	$32.619	
Number of families		(708.831)
with income less than $5.000	-	38.368 (5%)
$5.000 to $9.999	-	37.954 (5%)
$10.000 to $14.999	-	50.488 (7%)
$15.000 to $24.999	-	109.385 (15%)
$25.000 to $34.999	-	103.193 (15%)
$35.000 to $49.999	-	132.622 (19%)
$50.000 to $74.999	-	134.116 (19%)
$75.000 to $99.999	-	52.363 (8%)
$100.000 or more	-	50.342 (7%)
Median (dollars)	$39.104	

HARRIS COUNTY - 29TH CONGRESSIONAL DISTRICT

Extracted from the U.S. Dept. of Commerce, Bureau of the Census 1990 Census

29TH CONGRESSIONAL DISTRICT			HARRIS COUNTY STATISTICAL FACTS		
Place & County Subdivision					
City		Persons			
Aldine (pt)		5,614			
Baytown (pt)		11,878			
Channelview (pt)		1,617			
Cloverleaf (pt)		2,928			
Deer Park (pt)		3,184			
Galena Park (pt)		10,033			
Houston city (pt)		428,876			
La Porte (pt)		-			
Pasadena (pt)		40,735			
South Houston city (pt)		13,175			
Age			**Age**		
00-19 Years Old	-	241,441 (44%)	00-19 Years Old	-	887,500 (31%)
20-24 Years Old	-	63,223 (12%)	20-24 Years Old	-	217,106 (8%)
25-34 Years Old	-	140,099 (25%)	25-34 Years Old	-	579,646 (20%)
35-44 Years Old	-	87,961 (15%)	35-44 Years Old	-	468,101 (17%)
45 + Years Old	-	80,011 (14%)	45 + Years Old	-	665,846 (24%)
Ethnicity			**Ethnicity**		
White		307,612	White		1,070,096
Black		57,811	Black		143,850
Amerind		1,881	Amerind		3,227
Asian		8,756	Asian		19,181
Other		-	Other		81,387
Hispanic		338,990	Hispanic		150,033
Place of Birth			**Place of Birth**		
Native		416,937	Native		2,414,225
Born in State		335,594	Born in State		1,598,253
Born in diff. State		81,343	Born in diff. State		784,099
Born Abroad		-	Born Abroad		31,853
Foreign born		150,000	Foreign born		403,974
Residence in 1985			**Residence in 1985**		
Same House	-	216,478	Same House	-	1,163,661
Different house in U.S.	-	285,640	Different house in U.S.	-	1,100,617
Same county	-	201,745	Same county	-	761,539
Different county	-	83,895	Different county	-	345,078
Workers over 16 years of age, transportation to work			**Workers over 16 years of age, transportation to work**		
Car, truck or van	-	228,069	Car, truck or van	-	2,016,974
Drove alone	-	181,913	Drove alone	-	1,021,841
Carpooled	-	46,156	Carpooled	-	195,934
Public transp.	-	20,515	Public transp.	-	60,319
Walked	-	8,681	Walked	-	31,984
Other means	-	3,004	Other means	-	16,628
Worked at home	-	3,647	Worked at home	-	27,462
Mean travel time to work (Minutes) - 24			*Mean travel time to work (Minutes) - ?*		

HARRIS COUNTY - 29TH CONGRESSIONAL DISTRICT

Extracted from the U.S. Dept. of Commerce, Bureau of the Census 1990 Census

Education			Education		
Persons 3 yrs + enrolled in School			**Persons 3 yrs + enrolled in School**		
Preprimary school	-	13,470	Preprimary school	-	54,476
Elementary or HS	-	104,093	Elementary or HS	-	544,419
Public school	-	98,529	Public school	-	510,010
College	-	36,818	College	-	197,317
Public college	-	28,445	Public college	-	165,207
Persons 25 years & over education level			**Persons 25 years & over education level**		
Less than 9th grade	-	43,057 (13%)	Less than 9th grade	-	194,339 (12%)
9th to 12th, no diploma	-	62,316 (19%)	9th to 12th, no diploma	-	235,397 (14%)
HS Graduate (incl. GED)	-	88,707 (26%)	HS Graduate (incl. GED)	-	398,463 (23%)
Some college, no degree	-	69,152 (21%)	Some college, no degree	-	365,313 (21%)
Associate degree	-	17,551 (5%)	Associate degree	-	84,290 (5%)
Bachelor's degree	-	38,611 (11%)	Bachelor's degree	-	297,044 (17%)
Grad. or Prof. degree	-	16,359 (5%)	Grad. or Prof. degree	-	138,728 (9%)
Labor Force Status			**Labor Force Status**		
In labor force	-	299,919	In labor force	-	1,486,661
Civ. labor force	-	298,834	Civ. labor force	-	1,484,762
Employed	-	270,387	Employed	-	1,381,829
Unemployed	-	28,447	Unemployed	-	102,933
Females 16 years & over	-	220,060	**Females 16 years & over**	-	1,065,328
In labor force	-	142,428	In labor force	-	649,767
Civ. labor force	-	142,313	Civ. labor force	-	649,610
Employed	-	129,161	Employed	-	601,710
Unemployed	-	13,152	Unemployed	-	47,900
Class of Worker			**Class of Worker**		
Private wage & salary wkrs.	-	222,966	Private wage & salary wkrs.	-	1,142,010
Local government wkrs.	-	17,681	Local government wkrs.	-	67,365
State government wkrs.	-	6,116	State government wkrs.	-	47,623
Federal government wkrs.	-	10,078	Federal government wkrs.	-	27,295
Self employed wkrs.	-	12,853	Self employed wkrs.	-	85,263
Unpaid family wkrs.	-	695	Unpaid family wkrs.	-	5,161
Occupation, employed 16 years & older			**Occupation, employed 16 years & older**		
Managerial & professional sp	-	53,414	Managerial & professional sp	-	397,591
Exec., admin. & mngrial occ.	-	27,098	Exec., admin. & mngrial occ.	-	192,517
Professional specialty occ.	-	26,316	Professional specialty occ.	-	205,074
Tech., sales & adm. sup. occ.	-	91,611	Tech., sales & adm. sup. occ.	-	469,424
Technicians & related support	-	9,292	Technicians & related support	-	60,852
Sales occupations	-	29,339	Sales occupations	-	180,067
adm. support incl. clerical	-	52,980	adm. support incl. clerical	-	228,505
Service occupations	-	48,658	Service occupations	-	174,911
Private household occupations	-	3,329	Private household occupations	-	10,569
Protective svc. occupations	-	4,480	Protective svc. occupations	-	23,275
Svc. occ. except prot. & hhld	-	40,849	Svc. occ. except prot. & hhld	-	141,067
Farming, forestry & fishing oc	-	3,535	Farming, forestry & fishing oc	-	13,298
Precision prod., crft & repair	-	25,941	Precision prod., crft & repair	-	157,027
Opertrs., fabrictrs & laborers	-	47,228	Opertrs., fabrictrs & laborers	-	169,178
Mach. oper. assmblrs & insp.	-	20,225	Mach. oper. assmblrs & insp.	-	60,812
Transp. & mtrial moving occ.	-	13,017	Transp., & mtrial moving occ.	-	52,609
Mndlr. expt clnr. hlpr & lab	-	13,986	Mndlr. expt clnr. hlpr & lab	-	56,157

HARRIS COUNTY - 29TH CONGRESSIONAL DISTRICT

Extracted from the U. S. Dept. of Commerce, Bureau of the Census 1990 Census

Industry, employed 16 years & older		
Agriculture, forestry & fishry	-	5.066 (2%)
Construction	-	13.338 (5%)
Manufacturing-Nondurable goods	-	15.714 (6%)
Manufacturing-Durable goods	-	25.269 (10%)
Transportation	-	16.158 (6%)
Communication & other pub util	-	8.415 (3%)
Wholesale trade	-	14.015 (5%)
Retail trade	-	49.421 (18%)
Finance, insurance & real est	-	25.650 (9%)
Business & repair services	-	19.553 (7%)
Personal, entertain & rec svcs	-	17.595 (6%)
Professional health services	-	19.455 (7%)
Professional educational svcs	-	15.787 (6%)
Other prof & related svcs	-	15.362 (6%)
Public administration	-	9.589 (4%)
Persons 16 & over who worked in 1989		
Usually wrkd 35+ hr wk 50-52 wks	-	172.040
Usually wrkd 35+ hr wk 40-49 wks	-	33.312
Usually wrkd 35+ hr wk 27-39 wks	-	18.681
Usually wrkd 34- hr wk 40-52 wks	-	23.590
Work in family in 1989		
No workers	-	14.097
1 worker	-	43.086
2 or more workers	-	76.833
Income (in 1989 dollars)		
Number of Households		(211.272)
Household Less than $5.000	-	20.917 (10%)
Household $5.000 to $9.999	-	21.830 (10%)
Household $10.000 to $14.999	-	22.976 (11%)
Household $15.000 to $24.999	-	47.533 (22%)
Household $25.000 to $34.999	-	36.202 (17%)
Household $35.000 to $49.999	-	31.492 (15%)
Household $50.000 to $74.999	-	20.105 (10%)
Household $75.000 to $99.999	-	5.631 (3%)
Household $100.000 or more	-	4.586 (2%)
Median (dollars)		$23.144
Number of families		(134.816)
with income less than $5.000	-	11.837 (7%)
$5.000 to $9.999	-	11.108 (9%)
$10.000 to $14.999	-	13.625 (10%)
$15.000 to $24.999	-	28.179 (21%)
$25.000 to $34.999	-	22.767 (17%)
$35.000 to $49.999	-	22.414 (17%)
$50.000 to $74.999	-	15.783 (12%)
$75.000 to $99.999	-	4.626 (4%)
$100.000 or more	-	3.677 (3%)
Median (dollars)		$25.900

Industry, employed 16 years & older		
Agriculture, forestry & fishry	-	14.608 (1%)
Construction	-	114.099 (9%)
Manufacturing-Nondurable goods	-	88.011 (7%)
Manufacturing-Durable goods	-	98.769 (7%)
Transportation	-	72.761 (5%)
Communication & other pub util	-	39.297 (3%)
Wholesale trade	-	85.615 (6%)
Retail trade	-	231.867 (17%)
Finance, insurance & real est	-	102.124 (8%)
Business & repair services	-	90.860 (7%)
Personal, entertain & rec svcs	-	61.886 (5%)
Professional health services	-	96.006 (7%)
Professional educational svcs	-	101.263 (8%)
Other prof & related svcs	-	67.587 (5%)
Public administration	-	39.399 (3%)
Persons 16 & over who worked in 1989		
Usually wrkd 35+ hr wk 50-52 wks	-	895.574
Usually wrkd 35+ hr wk 40-49 wks	-	160.412
Usually wrkd 35+ hr wk 27-39 wks	-	81.255
Usually wrkd 34- hr wk 40-52 wks	-	100.803
Work in family in 1989		
No workers	-	58.409
1 worker	-	225.811
2 or more workers	-	424.611
Income (in 1989 dollars)		
Number of Households		(1.027.818)
Household Less than $5.000	-	70.926 (6%)
Household $5.000 to $9.999	-	75.331 (7%)
Household $10.000 to $14.999	-	85.695 (8%)
Household $15.000 to $24.999	-	187.285 (18%)
Household $25.000 to $34.999	-	160.819 (16%)
Household $35.000 to $49.999	-	176.619 (17%)
Household $50.000 to $74.999	-	160.469 (16%)
Household $75.000 to $99.999	-	59.763 (6%)
Household $100.000 or more	-	56.911 (6%)
Median (dollars)		$32.619
Number of families		(798.831)
with income less than $5.000	-	38.368 (5%)
$5.000 to $9.999	-	37.954 (5%)
$10.000 to $14.999	-	50.688 (7%)
$15.000 to $24.999	-	109.385 (15%)
$25.000 to $34.999	-	103.193 (15%)
$35.000 to $49.999	-	132.622 (19%)
$50.000 to $74.999	-	134.116 (19%)
$75.000 to $99.999	-	52.363 (8%)
$100.000 or more	-	50.342 (7%)
Median (dollars)		$39.184

CONTEXT FOR CONGRESSIONAL DISTRICTS 18, 29 AND 30

The metropolitan areas of Dallas and Houston (Harris County) are characteristic of post World War II developments in their demography and geography. Both areas are poly centric in character with higher education, industrial, office complex, shopping and social activities highly dispersed into numerous sections. The flat land and circular distribution systems of transportation have created for both areas a fringe activity pattern.

Political districts can be drawn in a number of ways in both cities. The issues of employment, advanced education, economic development and transportation, however, are shared by a highly interdependent region in both cases.

Both Dallas and Houston have large central city office complexes but in terms of square footage and new developments, these centers have long since been dwarfed by the fringe and highway cluster developments such as Greenway and the Post Oak areas of Houston and Las Colinas an LBJ developments in Dallas.

Access to the populations in the districts is also common in both of these metropolitan areas. In both Houston and Dallas, there are common radio, television and press outlets. There are single dioceses, sees and districts for church organizations. Organizations, such as Kiwanis, Rotary, Moose, Lions and Mason are also in the same districts.

Another feature of both metropolitan areas is rapid growth and development. Not only are both urban areas overwhelmingly (70%) post World War II in population and distribution, but also are continuing to grow and evolve. This has created a pattern of high mobility internally and externally. Also the character of the housing has changed in the past 25 years from predominately single family dwelling to apartments

giving even greater fluidity to the continual movement of the population.

In the 80's the rapid growth in population of the areas was characterized by new diversity. Public school enrollments show first impact of the changes with large influxes of Hispanic and Asian children. In both cities, the multi-cultural character of the areas in foreign language communications and media is now well established. For a demographer, it is nearly impossible to predict, at this time, how the geographic distribution of these groups will eventually concentrate (if at all). For example, the first waves of Asian migrants from Southeast Asia came to East Dallas in the early 80's. Within just a few years, this population was relocating to Northeast Dallas and Garland. Today, it is moving even further north into Richardson. The original settlement area of East Dallas still has Asian population but it is much smaller than earlier.

Hispanic movement is equally dynamic. The greatest Increase in neighborhood concentration, particularly in the central and older city cores, is Hispanic. Housing sales in these areas show a strong Hispanic market. Also schools that were only recently non-white or white are increasingly Hispanic.

In Dallas County, the City of Dallas is obviously the largest jurisdiction with the largest population. It is however, approximately 50% of the county. Suburbs and activity centers surround the city. The central city and the suburbs share the same transportation system including rapid transit (DART), shopping, work locations and advanced education sites.

The same exists for Harris County and Houston. The only difference is that Houston is a much larger proportion of the land area of Harris County. MTA is the counterpart to DART as a rapid transit system.

State's Exhibit 23

Statement of Justice Oscar Mauzy
from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 22, 1994

BEFORE ME, the undersigned Notary Public on this date personally appeared Oscar Mauzy who, duly sworn, and who, upon his oath, deposed and stated as follows:

1. My name is Oscar Mauzy. I am over the age of eighteen and am competent to make this affidavit.

2. I served on the Texas Supreme Court from January 3, 1987 until January 1, 1993.

3. I served in the Texas Senate from January 1967 until January 1987, representing the 23rd Senatorial District from Dallas County, Texas. My successor in the 23rd Senatorial District was Eddie Bernice Johnson, who served that District until she was elected to Congress in Congressional District 30.

4. The Texas Legislature, during the 20th century, has been called upon to redistrict the congressional districts of Texas after nearly each decennial census, since the population of Texas grew at percentage rate higher than the national population increase. Thus, following the census of 1910, 1930, 1950, 1960, 1970, 1980 & 1990 the size of the Texas congressional delegation increased. The 1910 census increased the number of congressional seats from 16 to 18; from 18 to 21 in 1930; from 21 to 22 in 1950; from 22 to 23 in 1960; from 23 to 24 in 1970; from 24 to 27 in 1980; and from 27 to 30 in 1990.

5. During this same period of time, the size of the Texas Senate remained constant at 31. Therefore, during the 20th century, the rapid growth of population in Texas reduced the ratio of congressional districts from 2-1 in 1901 (16 congressional vs. 31 state senatorial districts) to its present 1-1 ratio in 1991 (30 congressional vs. 31 state senatorial districts). This factor, when combined with the advent of the doctrine of "one person -- one vote" as announced by the Supreme Court of the United States in 1962 in *Baker v. Carr*, has resulted in the members of the Texas Senate taking a very keen interest in the drawing of congressional district lines. Indeed many members of the Texas Senate have "graduated" directly from the Texas Senate to the U.S. House of Representatives in the first election held after congressional redistricting occurs. For example, all three new Texas congresspersons elected in 1992 were state senators from these same areas: Johnson of Dallas; Green of Harris and Tejeda of Bexar Counties. This relationship is not coincidental.

6. Prior to *Baker v. Carr*, as specifically shown in the census of 1960, the legislature in adding one seat, decided to make that new seat an "at-large" seat. In this way, the Legislature recognized the value of "protecting the incumbent". In addition, compactness of congressional districts was not a viable concern. This system resulted in the Texas congressional delegation acquiring increased seniority which added to the state's "political" clout in Congress, where seniority was critical. After *Baker v. Carr*, this system was not available to the Legislature and, therefore, there have been no "at large" seats added to the congressional delegation following the 1970, 1980 or 1990 censuses.

7. During the congressional redistricting of 1967, incumbency was the major factor when the Senate acted on this subject. The 6th congressional district was

specifically drawn to "invade" both Dallas and Tarrant Counties for the first time in order to "protect" the incumbent Olin "Tiger" Teague of College Station, Texas. It was widely discussed, both during committee hearings and floor debates, that Congressman Teague wanted these changes because it would (1) allow him to help the defense industries located in Dallas and Tarrant Counties (General Dynamics, Chance Vaught, Bell Helicopter, etc.) and (2) allow him closer contact with the television markets of Dallas-Fort Worth, which would enhance his ability to raise campaign funds.

8. During the 1971 session of the Texas Legislature, I was a member of the Senate sub-committee on congressional redistricting. One of our first acts was to solicit the views of the congressional delegation regarding congressional redistricting lines to be drawn to facilitate the increase from 23 to 24 seats. The sub-committee, at the suggestion of the Governor and Lt. Governor, then traveled to Washington, D.C. to meet with the delegation and discuss the new plan with the entire delegation together, and later with each member of Congress separately. The result was that the final plan adopted largely followed the wishes of the congressional delegation (at least a majority thereof.)

9. In 1980, a similar plan was not followed because the Governor had his own congressional plan which was not favored by the congressional delegation. Thus, the regular session of 1981 did not pass a congressional redistricting plan, resulting in the Governor calling a special session to enact his plan. Over the objection of a majority of the congressional delegation, the Governor's plan was adopted by the special session, which plan was immediately challenged in federal court. The trial court held the Governor's plan to be unconstitutional, and adopted a plan more in line with the congressional delegation wishes.

10. Another important consideration which the Texas Senate recognized was to always seek to avoid "pairing" incumbent Congresspersons. Since Texas had added new seats in each of the last 5 census years (1950-1990), it was much easier to accomplish that objective after the "one person - one vote" doctrine was implemented.

11. The enactment of the Voting Rights Act, its subsequent amendments, as well as the litigation which followed from them, has caused the Texas Legislature to change the criteria it follows, especially as it applies to congressional redistricting. After the bruising battle in the Senate in 1981, both in the regular and special sessions, and the ensuing litigation in *Seamon v. Upham*, the subsequent amendments to the Voting Rights Act as well as political commitments made by both incumbent members of the Legislature and new candidates for the Legislature, made the possibility of the election of more minority congressmen both a legal and political necessity following the 1990 census. Thus, the 1991 regular session of the Legislature were able to create three new congressional districts where the minority communities could be very influential, if not controlling, where these minority communities exercised their collective strength in registering voters and turning out the vote for candidates who shared their views on the prevalent important political issues of the day. Indeed, the new Congressional plan in Dallas County closely resembled the plan ordered into effect by the United States Supreme Court in *Seamon v. Upham*. But this new approach permitted the Legislature to still give preference to the "protect the incumbent" and "don't pair incumbents" rules. Advanced technology and the increased use of computers allowed the Legislature to adopt a plan which respected all these considerations, originally devised by a majority of the congressional delegation, which contained exactly the same number of people in each of the 30 districts. Such exactness was not possible during the redistricting fights in which I

was involved in 1967, 1971 or 1981. Yet in 1991 a plan could be devised which honored all the rules laid down by both judicial decisions and congressional enactment, and still result in each district having exactly the same population. It was, truly, an amazing piece of work.

12. The shapes of some of the districts is not a new thing in congressional redistricting. In 1967, when the new districts were drawn, the 6th congressional district was the subject of great derision during floor debate. A close colleague and fellow member, Babe Schwartz of Galveston, remarked during the discussion that if you were to drive down Interstate 45 from the northern border of C.D. 6 in southern DallasTarrant counties to the southern border of the district in the northern suburbs of Harris County, with all doors opened "you'd kill most of the voters in the district." It is there that the quip originated first, ultimately to be noted by the Supreme Court in its *Shaw v. Reno* decision. The new configuration of C.D. 6 covered the two most expensive television markets in Texas (Dallas-Fort Worth and Houston) which markedly increased the cost of campaigning in the district, but it honored the two unwritten rules: (1) protect the incumbent and (2) don't pair incumbents.

13. Campaigns for Congress today are much more expensive then they were in 1967. Not just the television expense, but all other forms of campaigning (direct mail, radio, yard signs, telephone banks) have become much more expensive in the last 25 years. This added expense when coupled with the decline in political party loyalty and the increase in "independent/split ticket" voters has also re-enforced the "protect the incumbent" mentality, both by members of the Legislature and the groups which traditionally contribute to congressional candidates of both parties.

14. I have always believed that the purpose of redistricting every 10 years was to increase the ability of the average voters to make an informed judgment as to which candidate most closely shares the same general goals and values as the voter. Thus, voters can compare the positions taken by opposing candidates on the major issues effecting the voters of the district, both individually and collectively; all within the confines of the rule of "one person/one vote".

15. However, in Texas, incumbency protection has always been a major, if not the major, factor in congressional redistricting. As evidenced by the Teague 6th Congressional District example, compactness has not been of significant value historically. The "one person one vote" concept was the first complication for the "incumbency protection" focus of the Legislature. The Voting Rights Act further complicated the "incumbency protection" principle in Texas. However, as evidenced by the recent Congressional districts, the Legislature has always found a way to protect incumbents while advancing the interests of state legislators who have U.S. Congressional ambitions. Although a well recognized and documented reality, at no time have these issues, specifically the concept of "incumbency protection," been discussed publicly by legislators.

16. Overall, I think the Legislature did as good a job as possible under the existing circumstances when it passed the Congressional Redistricting Act of 1991.

State's Exhibit 25

Affidavit of Lemuel Price
from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 21, 1994

BEFORE ME, the undersigned authority, on this day personally appeared LEMUEL PRICE, who upon his oath, did depose and state as follows:

1. My name is LEMUEL PRICE. I am over twenty-one (21) years of age and of sound mind and therefore state the following matters, of which I have personal knowledge, to be true and correct.

2. During the 72nd Texas legislative session, I was employed by Texas State Representative Jerald Larry, representing District 111, in Dallas County, Texas. One of my responsibilities was to actively participate in the redistricting process, including reapportionment of Congressional districts. Specifically, I was active in actually drawing districts in the State of Texas. As a result, I am intimately familiar with, and have personal knowledge of matters pertaining to the Congressional redistricting process in the State of Texas.

3. Appended hereto as Exhibit A is a true and correct copy of the State of Texas Congressional redistricting plan that I created in 1991. Pursuant to instructions from Representative Larry, my goal in this plan was to create three (3) predominately African-American Congressional districts; 18, 25, and 30. The plan was submitted to the Chair of the Redistricting Committee. Although this plan was not adopted by the Legislature, *in toto*, the current Districts 18 and 30 are very similar to those in Exhibit A.

4. My proposed Congressional District 25 is an urban/rural district in southeast Texas. It traverses parts of the following fifteen (15) counties; Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fort Bend, Galveston, Grimes, Harris, Jefferson, Milam, Waller, Washington, and Wharton. Beginning in Beaumont, the District drops to Port Arthur and follows major roads along the gulf coast through Chambers County to Galveston. The District then juts north to Houston and Harris County, drops south into Brazoria County, proceeds northwest through central Fort Bend County, into southeastern Waller County where the District expands to include southern Austin County into Colorado County and Wharton County. From Austin County and Waller County, the District proceeds north into eastern Washington County (rural), eastern into parts of Grimes County (rural), picking up southern Brazos County (rural), and then takes the eastern portions of Burleson County (rural) and Milam County (rural). The proposed District was 46.4% African-American.

5. Appended hereto as Exhibit B is a true and correct copy of the Plan Population Analysis with County Subtotals for the Congressional District plan reflected in Exhibit A.

6. Appended hereto as Exhibit C is a true and correct copy of the Harris County portion of the State of Texas Congressional redistricting plan that I created in 1991, Exhibit A.

7. Appended hereto as Exhibit D is a true and correct copy of the Dallas County portion of the State of Texas Congressional redistricting plan that I created in 1991, Exhibit A.

8. I have read the above and foregoing and state that I have personal knowledge of the facts related thereof.

TEXAS
Proposed Congressional Districts
(L323C530)

LEGEND

Proposed Districts 99
County Boundaries

L323C530
08/30/01 12:15:59

TEXAS LEGISLATIVE COUNCIL

State's Exhibit 25/Attachment B
Population Analysis with County Subtotals

PAR200B
DATA: 1990 CENSUS
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TEXAS LEGISLATIVE COUNCIL - PAR
PLAN POPULATION ANALYSIS WITH COUNTY SUBTOTALS
CONGRESSIONAL DISTRICTS

06/01/94
14:58:01
PAGE 1

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 001 TOTALS	566,217	85,744	16,294	101,526	459,764	4,927	15.1	2.9	17.9	81.2	0.9
BOWIE (100%)	81,665	17,798	1,334	19,031	61,964	670	21.8	1.6	23.3	75.9	0.8
CAMP (100%)	9,904	2,360	501	2,850	7,015	39	23.8	5.1	28.8	70.8	0.4
CASS (100%)	29,982	6,057	373	6,393	23,464	125	20.2	1.2	21.3	78.3	0.4
DELTA (100%)	4,857	404	67	467	4,344	46	8.3	1.4	9.6	89.4	0.9
FANNIN (100%)	24,804	1,633	485	2,108	22,466	230	6.6	2.0	8.5	90.6	0.9
FRANKLIN (100%)	7,802	349	357	706	7,040	56	4.5	4.6	9.0	90.2	0.7
GRAYSON (100%)	95,021	6,565	2,795	9,306	84,271	1,444	6.9	2.9	9.8	88.7	1.5

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
HARRISON (100%)	57,483	16,038	1,278	17,238	39,907	338	27.9	2.2	30.0	69.4	0.6
HOPKINS (100%)	28,833	2,476	1,407	3,876	24,755	202	8.6	4.9	13.4	85.9	0.7
HUNT (82%)	52,942	6,670	2,420	9,031	43,384	527	12.6	4.6	17.1	81.9	1.0
LAMAR (100%)	43,949	6,397	475	6,844	36,546	559	14.6	1.1	15.6	83.2	1.3
MARION (100%)	9,984	3,100	147	3,240	6,696	48	31.0	1.5	32.5	67.1	0.5
MORRIS (100%)	13,200	3,227	239	3,459	9,660	81	24.4	1.8	26.2	73.2	0.6
RAINS (100%)	6,715	286	158	442	6,234	39	4.3	2.4	6.6	92.8	0.6
RED RIVER (100%)	14,317	2,872	273	3,130	11,107	80	20.1	1.9	21.9	77.6	0.6
TITUS (100%)	24,009	3,229	2,556	5,744	18,128	137	13.4	10.6	23.9	75.5	0.6
UPSHUR (100%)	31,370	3,881	641	4,499	26,714	157	12.4	2.0	14.3	85.2	0.5
WOOD (100%)	29,380	2,402	788	3,162	26,069	149	8.2	2.7	10.8	88.7	0.5
DISTRICT 002 TOTALS	566,217	98,734	33,147	130,946	431,055	4,216	17.4	5.9	23.1	76.1	0.7
ANDERSON (100%)	48,024	11,143	3,953	15,044	32,665	315	23.2	8.2	31.3	68.0	0.7
ANGELINA (100%)	69,884	10,731	6,072	16,623	52,777	484	15.4	8.7	23.8	75.5	0.7
CHEROKEE (58%)	23,946	5,562	1,739	7,245	16,500	201	23.2	7.3	30.3	68.9	0.8

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
HOUSTON (100%)	21,375	6,326	965	7,237	14,042	96	29.6	4.5	33.9	65.7	0.4
JASPER (100%)	31,102	5,868	594	6,446	24,529	127	18.9	1.9	20.7	78.9	0.4
MONTGOMERY (38%)	69,019	4,172	6,398	10,526	57,954	539	6.0	9.3	15.3	84.0	0.8
NACOGDOCHES (100%)	54,753	9,020	2,788	11,736	42,575	442	16.5	5.1	21.4	77.8	0.8
NEWTON (100%)	13,569	3,039	153	3,180	10,329	60	22.4	1.1	23.4	76.1	0.4
ORANGE (47%)	37,770	6,138	843	6,951	30,491	328	16.3	2.2	18.4	80.7	0.9
PANOLA (100%)	22,035	4,057	477	4,519	17,429	87	18.4	2.2	20.5	79.1	0.4
POLK (100%)	30,687	3,896	1,610	5,458	24,531	698	12.7	5.2	17.8	79.9	2.3
RUSK (33%)	14,626	3,425	685	4,086	10,494	46	23.4	4.7	27.9	71.7	0.3
SABINE (100%)	9,586	1,117	111	1,220	8,339	27	11.7	1.2	12.7	87.0	0.0
SAN AUGUSTINE (100%)	7,999	2,244	138	2,374	5,607	18	28.1	1.7	29.7	70.1	0.2
SAN JACINTO (100%)	16,372	2,544	431	2,965	13,319	88	15.5	2.6	18.1	81.4	0.5
SHELBY (100%)	22,034	4,727	539	5,249	16,719	66	21.5	2.4	23.8	75.9	0.3
TRINITY (100%)	11,445	1,645	272	1,914	9,485	46	14.4	2.4	16.7	82.9	0.4
TYLER (100%)	16,646	1,994	177	2,163	14,426	57	12.0	1.1	13.0	86.7	0.3
WALKER (89%)	45,345	11,086	5,202	16,010	28,844	491	24.4	11.5	35.3	63.6	1.1

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 003 TOTALS	566,217	19,601	32,876	52,134	494,925	19,158	3.5	5.8	9.2	87.4	3.4
COLLIN (97%)	256,986	9,527	15,462	24,837	223,810	8,339	3.7	6.0	9.7	87.1	3.2
DALLAS (15%)	270,167	8,537	14,378	22,766	237,477	9,924	3.2	5.3	8.4	87.9	3.7
DENTON (14%)	39,064	1,537	3,036	4,531	33,638	895	3.9	7.8	11.6	86.1	2.3
DISTRICT 004 TOTALS	566,217	54,969	30,789	85,277	470,189	10,751	9.7	5.4	15.1	83.0	1.9
CHEROKEE (42%)	17,103	1,369	958	2,310	14,701	92	8.0	5.6	13.5	86.0	0.5
DALLAS (11%)	208,334	13,662	16,643	30,081	170,382	7,871	6.6	8.0	14.4	81.8	3.8
GREGG (100%)	104,948	19,937	3,775	23,610	80,358	980	19.0	3.6	22.5	76.6	0.9
HENDERSON (3%)	1,786	10	37	47	1,732	7	0.6	2.1	2.6	97.0	0.4
HUNT (18%)	11,401	132	456	581	10,734	86	1.2	4.0	5.1	94.1	0.8
KAUFMAN (34%)	17,581	1,225	1,065	2,269	15,140	172	7.0	6.1	12.9	86.1	1.0
ROCKWALL (100%)	25,604	855	1,500	2,351	22,981	272	3.3	5.9	9.2	89.8	1.1
RUSK (67%)	29,109	5,559	1,051	6,574	22,405	130	19.1	3.6	22.6	77.0	0.4
SMITH (75%)	114,068	11,045	3,849	14,824	98,287	957	9.7	3.4	13.0	86.2	0.8
VAN ZANDT (96%)	36,283	1,175	1,455	2,630	33,469	184	3.2	4.0	7.2	92.2	0.5

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 005TOTALS	566,217	93,603	100,229	191,739	363,651	10,827	16.5	17.7	33.9	64.2	1.9
BRAZOS (34%)	41,151	9,951	9,825	19,579	21,232	340	24.2	23.9	47.6	51.6	0.8
DALLAS (16%)	299,917	32,998	73,500	105,053	185,797	9,067	11.0	24.5	35.0	61.9	3.0
FREESTONE (100%)	15,818	3,013	619	3,618	12,124	76	19.0	3.9	22.9	76.6	0.5
HENDERSON (97%)	56,757	4,745	2,331	7,048	49,403	306	8.4	4.1	12.4	87.0	0.5
KAUFMAN (66%)	34,639	6,070	2,275	8,304	26,085	250	17.5	6.6	24.0	75.3	0.7
LEON (100%)	12,665	1,615	509	2,110	10,507	48	12.8	4.0	16.7	83.0	0.4
MADISON (100%)	10,931	2,575	1,178	3,725	7,127	79	23.6	10.8	34.1	65.2	0.7
NAVARRO (100%)	39,926	7,574	2,891	10,414	29,120	392	19.0	7.2	26.1	72.9	1.0
ROBERTSON (100%)	15,511	4,259	1,904	6,101	9,373	37	27.5	12.3	39.3	60.4	0.2
SMITH (25%)	37,241	20,527	5,137	25,451	11,566	22	55.1	13.8	68.3	31.1	0.6
VAN ZANDT (4%)	1,661	276	60	336	1,317	8	16.6	3.6	20.2	79.3	0.5

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 006 TOTAL	566,217	25,801	32,727	58,092	494,001	14,124	4.6	5.8	10.3	87.2	2.5
DALLAS (0%)	5,851	211	298	506	5,167	178	3.6	5.1	8.6	88.3	3.0
ELLIS (52%)	44,004	1,586	4,339	5,901	37,736	367	3.6	9.9	13.4	85.8	0.8
JOHNSON (35%)	33,751	362	2,201	2,558	30,811	382	1.1	6.5	7.6	91.3	1.1
PARKER (61%)	39,202	426	1,444	1,852	36,958	392	1.1	3.7	4.7	94.3	1.0
TARRANT (38%)	443,409	23,216	24,445	47,275	383,329	12,805	5.2	5.5	10.7	86.5	2.9
DISTRICT 007 TOTALS	566,217	32,666	57,634	89,358	428,102	48,757	5.8	10.2	15.8	75.6	8.6
FORT BEND (50%)	112,907	7,758	11,710	19,322	81,366	12,219	6.9	10.4	17.1	72.1	10.8
HARRIS (16%)	453,310	24,908	45,924	70,036	346,736	36,538	5.5	10.1	15.4	76.5	8.1
DISTRICT 008 TOTALS	566,217	33,856	56,184	89,398	453,563	23,256	6.0	9.9	15.8	80.1	4.1
BRAZOS (65%)	79,440	3,557	6,672	10,163	65,017	4,260	4.5	8.4	12.8	81.8	5.4
GRIMES (42%)	7,833	583	452	1,034	6,763	36	7.4	5.8	13.2	86.3	0.5
HARRIS (13%)	364,655	24,810	42,139	66,440	280,533	17,682	6.8	11.6	18.2	76.9	4.8
MONTGOMERY (57%)	103,317	3,499	6,191	9,636	92,450	1,231	3.4	6.0	9.3	89.5	1.2
WALKER (11%)	5,572	1,248	291	1,533	4,012	27	22.4	5.2	27.5	72.0	0.5

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
WALLER (23%)	5,400	159	439	592	4,788	20	2.9	8.1	11.0	88.7	0.4
DISTRICT 009 TOTALS	566,217	43,328	46,134	88,772	468,092	9,353	7.7	8.1	15.7	82.7	1.7
BRAZORIA (3%)	5,695	113	818	931	4,700	64	2.0	14.4	16.3	82.5	1.1
CHAMBERS (99%)	19,895	2,550	1,151	3,691	16,025	179	12.8	5.8	18.6	80.5	0.9
GALVESTON (52%)	134,786	4,908	14,273	19,069	112,600	3,117	3.6	10.6	14.1	83.5	2.3
HARDIN (100%)	41,320	3,485	679	4,138	37,006	176	8.4	1.6	10.0	89.6	0.4
DISTRICT 009 - CONTINUED											
HARRIS (4%)	123,290	14,506	18,374	32,529	87,912	2,849	11.8	14.9	26.4	71.3	2.3
JEFFERSON (61%)	145,766	10,225	6,869	16,997	126,499	2,270	7.0	4.7	11.7	86.8	1.6
LIBERTY (100%)	52,726	6,911	2,880	9,701	42,699	326	13.1	5.5	18.4	81.0	0.6
ORANGE	42,739	630	1,090	1,716	40,651	372	1.5	2.6	4.0	95.1	0.9
DISTRICT 010 TOTALS	566,217	63,145	121,271	182,246	365,616	18,355	11.2	21.4	32.2	64.6	3.2
TRAVIS (98%)	566,217	63,145	12,1271	182,246	365,616	18,355	11.2	21.4	32.2	64.6	3.2

---------COUNTY----------	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 011 TOTALS	566,217	93,268	71,224	162,330	394,154	9,733	16.5	12.6	28.7	69.6	1.7
BELL (59%)	113,266	30,096	17,084	46,220	62,618	4,428	26.6	15.1	40.8	55.3	3.9
BOSQUE (100%)	15,125	319	1,430	1,742	13,320	63	2.1	9.5	11.5	88.1	0.4
BURLESON (64%)	8,786	1,016	921	1,931	6,817	38	11.6	10.5	22.0	77.6	0.4
BURNET (74%)	16,851	159	1,471	1,622	15,095	134	0.9	8.7	9.6	89.6	0.8
CORYELL (100%)	64,213	13,592	6,243	19,536	42,681	1,996	21.2	9.7	30.4	66.5	3.1
FALLS (100%)	17,712	4,810	2,072	6,804	10,843	65	27.2	11.7	38.4	61.2	0.4
HAMILTON (100%)	7,733	2	403	405	7,284	44	0.0	5.2	5.2	94.2	0.6
LAMPASAS (100%)	13,521	268	1,753	1,994	11,321	206	2.0	13.0	14.7	83.7	1.5
LEE (100%)	12,854	1,780	1,410	3,162	9,650	42	13.8	11.0	24.6	75.1	0.3
LIMESTONE (100%)	20,946	4,156	1,459	5,586	15,239	121	19.8	7.0	26.7	72.8	0.6
LLANO (11%)	1,315	0	19	19	1,293	3	0.0	1.4	1.4	98.3	0.2
MCLENNAN (100%)	189,123	29,520	23,643	52,679	134,507	1,937	15.6	12.5	27.9	71.1	1.0
MILAM (77%)	17,596	1,469	2,393	3,831	13,711	54	8.3	13.6	21.8	77.9	0.3
WASHINGTON (71%)	18,553	2,246	822	3,052	15,281	220	12.1	4.4	16.5	82.4	1.2
WILLIAMSON (35%)	48,623	3,835	10,101	13,747	34,494	382	7.9	20.8	28.3	70.9	0.8

---------COUNTY----------	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 012 TOTALS	566,217	40,896	85,135	125,127	427,670	13,420	7.2	15.0	22.1	75.5	2.4
DENTON (20%)	53,808	5,368	5,250	10,515	41,499	1,794	10.0	9.8	19.5	77.1	3.3
JOHNSON (65%)	63,414	2,159	5,256	7,348	55,623	443	3.4	8.3	11.6	87.7	0.7
PARKER (39%)	25,583	163	1,253	1,415	23,992	176	0.6	4.9	5.5	93.8	0.7
SOMERVELL (100%)	5,360	10	749	759	4,547	54	0.2	14.0	14.2	84.8	1.0
TARRANT (33%)	383,373	32,806	69,964	102,040	270,669	10,664	8.6	18.2	26.6	70.6	2.8
WISE (100%)	34,679	390	2,663	3,050	31,340	289	1.1	7.7	8.8	90.4	0.8
DISTRICT 013 TOTALS	566,217	41,687	116,161	156,807	400,552	8,858	7.4	20.5	27.7	70.7	1.6
ARCHER (100%)	7,973	11	189	200	7,733	40	0.1	2.4	2.5	97.0	0.5
ARMSTRONG (100%)	2,021	0	55	55	1,951	15	0.0	2.7	2.7	96.5	0.7
BAYLOR (100%)	4,385	180	334	514	3,848	23	4.1	7.6	11.7	87.8	0.5
BRISCOE (100%)	1,971	68	367	435	1,532	4	3.5	18.6	22.1	77.7	0.2
CARSON (100%)	6,576	11	354	365	6,158	53	0.2	5.4	5.6	93.6	0.8
CASTRO (100%)	9,070	261	4,187	4,446	4,574	50	2.9	46.2	49.0	50.4	0.6
CHILDRESS (100%)	5,953	321	853	1,171	4,736	46	5.4	14.3	19.7	79.6	0.8
CLAY (100%)	10,024	33	242	275	9,642	107	0.3	2.4	2.7	96.2	1.1

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
COLLINGSWORTH (100%)	3,573	230	561	788	2,750	35	6.4	15.7	22.1	77.0	1.0
COTTLE (100%)	2,247	199	367	563	1,676	8	8.9	16.3	25.1	74.6	0.4
CROSBY (100%)	7,304	321	3,111	3,408	3,869	27	4.4	42.6	46.7	53.0	0.4
DICKENS (100%)	2,571	113	479	590	1,964	17	4.4	18.6	22.9	76.4	0.7
DONLEY (100%)	3,696	127	139	266	3,415	15	3.4	3.8	7.2	92.4	0.4
FLOYD (100%)	8,497	320	3,381	3,694	4,759	44	3.8	39.8	43.5	56.0	0.5
FOARD (100%)	1,794	88	233	306	1,478	10	4.9	13.0	17.1	82.4	0.6
GRAY (100%)	23,967	899	1,895	2,777	20,841	349	3.8	7.9	11.6	87.0	1.5
HALE (100%)	34,671	1,852	14,428	16,194	18,181	296	5.3	41.6	46.7	52.4	0.9
HALL (100%)	3,905	303	727	1,028	2,850	27	7.8	18.6	26.3	73.0	0.7
HARDEMAN (100%)	5,283	321	589	907	4,331	45	6.1	11.1	17.2	82.0	0.9
HEMPHILL (100%)	3,720	7	412	419	3,275	26	0.2	11.1	11.3	88.0	0.7
HUTCHINSON (100%)	25,689	677	2,509	3,170	22,098	421	2.6	9.8	12.3	86.0	1.6
KING (100%)	354	0	53	53	301	0	0.0	15.0	15.0	85.0	0.0
KNOX (100%)	4,837	338	1,088	1,423	3,396	18	7.0	22.5	29.4	70.2	0.4

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
LAMB (100%)	15,072	822	5,509	6,303	8,700	69	5.5	36.6	41.8	57.7	0.5
LIPSCOMB (100%)	3,143	1	379	380	2,723	40	0.0	12.1	12.1	86.6	1.3
LUBBOCK (27%)	60,603	11,434	28,965	40,071	20,074	458	18.9	47.8	66.1	33.1	0.8
LYNN (100%)	6,758	223	2,819	3,041	3,683	34	3.3	41.7	45.0	54.5	0.5
MONTAGUE (100%)	17,274	5	548	552	16,632	90	0.0	3.2	3.2	96.3	0.5
MOTLEY (100%)	1,532	68	136	204	1,319	9	4.4	8.9	13.3	86.1	0.6
POTTER (100%)	97,874	8,673	19,246	27,706	66,877	3,291	8.9	19.7	28.3	68.3	3.4
ROBERTS (100%)	1,025	0	34	34	988	3	0.0	3.3	3.3	96.4	0.3
SWISHER (100%)	8,133	340	2,496	2,828	5,254	51	4.2	30.7	34.8	64.6	0.6
TERRY (100%)	13,218	449	5,194	5,632	7,486	100	3.4	39.3	42.6	56.6	0.8
WHEELER (100%)	5,879	154	378	523	5,297	59	2.6	6.4	8.9	90.1	1.0
WICHITA (100%)	122,378	11,221	10,555	21,541	98,127	2,710	9.2	8.6	17.6	80.2	2.2
WILBARGER (100%)	15,121	1,349	2,185	3,521	11,437	163	8.9	14.5	23.3	75.6	1.1
YOUNG (100%)	18,126	268	1,164	1,424	16,597	105	1.5	6.4	7.9	91.6	0.6

---------COUNTY----------	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 014 TOTALS	566,217	45,122	131,595	175,209	384,762	6,246	8.0	23.2	30.9	68.0	1.1
ARANSAS (100%)	17,892	319	3,588	3,889	13,306	697	1.8	20.1	21.7	74.4	3.9
AUSTIN (59%)	11,797	1,258	701	1,944	9,811	42	10.7	5.9	16.5	83.2	0.4
BASTROP (100%)	38,263	4,512	6,933	11,284	26,665	314	11.8	18.1	29.5	69.7	0.8
BRAZORIA (71%)	136,636	11,140	22,603	33,411	101,431	1,794	8.2	16.5	24.5	74.2	1.3
CALDWELL (100%)	26,392	2,825	9,988	12,663	13,547	182	10.7	37.8	48.0	51.3	0.7
CALHOUN (100%)	19,053	556	6,893	7,435	11,021	597	2.9	36.2	39.0	57.8	3.1
COLORADO (76%)	13,980	1,762	1,274	3,006	10,929	45	12.6	9.1	21.5	78.2	0.3
FAYETTE (100%)	20,095	1,686	1,702	3,364	16,678	53	8.4	8.5	16.7	83.0	0.3
FORT BEND (13%)	29,980	1,819	5,696	7,500	22,232	248	6.1	19.0	25.0	74.2	0.8
GONZALES (100%)	17,205	1,716	6,142	7,723	9,398	84	10.0	35.7	44.9	54.6	0.5
HAYS (93%)	61,179	2,203	17,772	19,852	40,754	573	3.6	29.0	32.4	66.6	0.9
JACKSON (100%)	13,039	1,218	2,772	3,967	9,047	25	9.3	21.3	30.4	69.4	0.2
LAVACA (100%)	18,690	1,342	1,596	2,912	15,716	62	7.2	8.5	15.6	84.1	0.3
MATAGORDA (100%)	36,928	5,106	9,088	14,118	21,878	932	13.8	24.6	38.2	59.2	2.5
REFUGIO (100%)	7,976	645	3,164	3,772	4,181	23	8.1	39.7	47.3	52.4	0.3

---------COUNTY----------	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
VICTORIA (89%)	66,385	4,789	24,143	28,671	37,241	473	7.2	36.4	43.2	56.1	0.7
WHARTON (77%)	30,727	2,226	7,540	9,698	20,927	102	7.2	24.5	31.6	68.1	0.3
DISTRICT 015 TOTALS	566,217	6,049	419,367	424,743	138,252	3,222	1.1	74.1	75.0	24.4	0.6
BEE (100%)	25,135	727	12,909	13,599	11,211	325	2.9	51.4	54.1	44.6	1.3
BROOKS (100%)	8,204	3	7,338	7,340	824	40	0.0	89.4	89.5	10.0	0.5
DE WITT (100%)	18,840	2,114	4,567	6,523	12,265	52	11.2	24.2	34.6	65.1	0.3
GOLIAD (100%)	5,980	407	2,145	2,532	3,420	28	6.8	35.9	42.3	57.2	0.5
HIDALGO (100%)	383,545	806	326,972	327,490	54,259	1,796	0.2	85.2	85.4	14.1	0.5
JIM WELLS (29%)	10,863	51	5,830	5,876	4,945	42	0.5	53.7	54.1	45.5	0.4
KARNES (31%)	3,882	13	1,153	1,166	2,705	11	0.3	29.7	30.0	69.7	0.3
KLEBERG (64%)	19,349	759	11,990	12,710	6,275	364	3.9	62.0	65.7	32.4	1.9
LIVE OAK (100%)	9,556	10	3,324	3,327	6,158	71	0.1	34.8	34.8	64.4	0.7
SAN PATRICIO (100%)	58,749	968	29,809	30,672	27,669	408	1.6	50.7	52.2	47.1	0.7
VICTORIA (11%)	7,976	117	1,229	1,339	6,594	43	1.5	15.4	16.8	82.7	0.5
WILLACY (80%)	14,138	74	12,101	12,169	1,927	42	0.5	85.6	86.1	13.6	0.3

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 016 TOTALS	566,217	20,272	398,384	417,172	141,546	7,499	3.6	70.4	73.7	25.0	1.3
EL PASO (96%)	566,217	20,272	398,384	417,172	141,546	7,499	3.6	70.4	73.7	25.0	1.3
DISTRICT 017 TOTALS	566,217	20,597	102,362	122,328	438,611	5,278	3.6	18.1	21.6	77.5	0.9
BORDEN (100%)	799	2	120	120	669	10	0.3	15.0	15.0	83.7	1.3
BROWN (100%)	34,371	1,552	3,799	5,329	28,814	228	4.5	11.1	15.5	83.8	0.7
CALLAHAN (100%)	11,859	2	489	491	11,289	79	0.0	4.1	4.1	95.2	0.7
COKE (100%)	3,424	6	422	426	2,977	21	0.2	12.3	12.4	86.9	0.6
COLEMAN (100%)	9,710	246	1,139	1,383	8,288	39	2.5	11.7	14.2	85.4	0.4
COMANCHE (100%)	13,381	16	2,205	2,215	11,109	57	0.1	16.5	16.6	83.0	0.4
CONCHO (100%)	3,044	16	1,194	1,208	1,827	9	0.5	39.2	39.7	60.0	0.3
DAWSON (100%)	14,349	622	6,120	6,728	7,569	52	4.3	42.7	46.9	52.7	0.4
EASTLAND (100%)	18,488	397	1,404	1,799	16,605	84	2.1	7.6	9.7	89.8	0.5
ERATH (100%)	27,991	195	2,458	2,650	25,123	218	0.7	8.8	9.5	89.8	0.8

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
FISHER (100%)	4,842	190	997	1,183	3,652	7	3.9	20.6	24.4	75.4	0.1
GARZA (100%)	5,143	328	1,454	1,760	3,354	29	6.4	28.3	34.2	65.2	0.6
GLASSCOCK (100%)	1,447	0	424	424	1,018	5	0.0	29.3	29.3	70.4	0.3
HASKELL (100%)	6,820	244	1,312	1,551	5,229	40	3.6	19.2	22.7	76.7	0.6
HOOD (100%)	28,981	52	1,353	1,405	27,251	325	0.2	4.7	4.8	94.0	1.1
HOWARD (100%)	32,343	1,225	8,607	9,781	22,226	336	3.8	26.6	30.2	68.7	1.0
IRION (100%)	1,629	2	385	387	1,240	2	0.1	23.6	23.8	76.1	0.1
JACK (100%)	6,981	51	232	283	6,668	30	0.7	3.3	4.1	95.5	0.4
JONES (100%)	16,490	666	2,786	3,437	12,970	83	4.0	16.9	20.8	78.7	0.5
KENT (100%)	1,010	6	120	126	883	1	0.6	11.9	12.5	87.4	0.1
MCCULLOCH (100%)	8,778	166	2,317	2,468	6,289	21	1.9	26.4	28.1	71.6	0.2
MARTIN (100%)	4,956	89	1,960	2,047	2,881	28	1.8	39.5	41.3	58.1	0.6
MENARD (97%)	2,194	7	706	713	1,473	8	0.3	32.2	32.5	67.1	0.4
MIDLAND (0%)	443	7	45	52	386	5	1.6	10.2	11.7	87.1	1.1
MILLS (100%)	4,531	10	484	494	4,029	8	0.2	10.7	10.9	88.9	0.2

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
MITCHELL (100%)	8,016	363	2,389	2,751	5,241	24	4.5	29.8	34.3	65.4	0.3
NOLAN (100%)	16,594	775	4,246	4,978	11,524	92	4.7	25.6	30.0	69.4	0.6
PALO PINTO (100%)	25,055	792	2,301	3,084	21,707	264	3.2	9.2	12.3	86.6	1.1
RUNNELS (100%)	11,294	183	2,740	2,921	8,340	33	1.6	24.3	25.9	73.8	0.3
SAN SABA (100%)	5,401	14	998	1,011	4,373	17	0.3	18.5	18.7	81.0	0.3
SCURRY (100%)	18,634	879	4,454	5,320	13,214	100	4.7	23.9	28.5	70.9	0.5
SHACKELFORD (100%)	3,316	12	272	284	3,016	16	0.4	8.2	8.6	91.0	0.5
STEPHENS (100%)	9,010	252	767	1,001	7,950	59	2.8	8.5	11.1	88.2	0.7
STERLING (100%)	1,438	0	366	366	1,067	5	0.0	25.5	25.5	74.2	0.3
STONEWALL (100%)	2,013	89	237	325	1,677	11	4.4	11.8	16.1	83.3	0.5
TAYLOR (100%)	119,655	7,547	17,511	24,847	92,955	1,853	6.3	14.6	20.8	77.7	1.5
THROCKMORTON (100%)	1,880	0	136	136	1,732	12	0.0	7.2	7.2	92.1	0.6
TOM GREEN (81%)	79,907	3,594	23,413	26,844	51,996	1,067	4.5	29.3	33.6	65.1	1.3
DISTRICT 018 TOTALS	566,217	285,200	97,511	378,186	170,277	17,754	50.4	17.2	66.8	30.1	3.1
HARRIS (20%)	566,217	285,200	97,511	378,186	170,277	17,754	50.4	17.2	66.8	30.1	3.1

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 019 TOTALS	566,217	13,737	102,237	11,5507	442,962	7,748	2.4	18.1	20.4	78.2	1.4
ANDREWS (100%)	14,338	274	4,552	4,811	9,281	246	1.9	31.7	33.6	64.7	1.7
BAILEY (100%)	7,064	124	2,740	2,857	4,184	23	1.8	38.8	40.4	69.2	0.3
COCHRAN (100%)	4,377	234	1,857	2,087	2,275	15	5.3	42.4	47.7	52.0	0.3
DALLAM (100%)	5,461	112	1,151	1,253	4,157	51	2.1	21.1	22.9	76.1	0.9
DEAF SMITH (100%)	19,153	307	9,356	9,643	9,417	93	1.6	48.8	50.3	49.2	0.5
ECTOR (71%)	84,590	1,880	16,129	17,940	65,612	1,038	2.2	19.1	21.2	77.6	1.2
GAINES (100%)	14,123	334	4,608	4,932	9,096	95	2.4	32.6	34.9	64.4	0.7
HANSFORD (100%)	5,848	0	1,174	1,174	4,637	37	0.0	20.1	20.1	79.3	0.6
HARTLEY (100%)	3,634	9	201	210	3,388	36	0.2	5.5	5.8	93.2	1.0
HOCKLEY (100%)	24,199	1,023	7,654	8,651	15,410	138	4.2	31.6	35.7	63.7	0.6
LUBBOCK (73%)	162,033	5,720	22,046	27,586	131,340	3,107	3.5	13.6	17.0	81.1	1.9
MIDLAND (76%)	80,946	2,286	9,240	11,460	68,357	1,129	2.8	11.4	14.2	84.4	1.4
MOORE (100%)	17,865	95	5,693	5,772	11,707	386	0.5	31.9	32.3	65.5	2.2
OCHILTREE (100%)	9,128	2	1,641	1,643	7,373	112	0.0	18.0	18.0	80.8	1.2
OLDHAM (100%)	2,278	9	200	209	2,020	49	0.4	8.8	9.2	88.7	2.2

---------COUNTY----------	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
PARMER (100%)	9,863	123	4,096	4,209	5,600	54	1.2	41.5	42.7	56.8	0.5
RANDALL (100%)	89,673	1,115	6,144	7,226	81,364	1,083	1.2	6.9	8.1	90.7	1.2
SHERMAN (100%)	2,858	4	538	542	2,302	14	0.1	18.8	19.0	80.5	0.5
YOAKUM (100%)	8,786	86	3,217	3,302	5,442	42	1.0	36.6	37.6	61.9	0.5
DISTRICT 020 TOTALS	566,217	30,927	344,215	373,488	183,528	9,201	5.5	60.8	66.0	32.4	1.6
BEXAR (48%)	566,217	30,927	344,215	373,488	183,528	9,201	5.5	60.8	66.0	32.4	1.6
DISTRICT 021 TOTALS	566,217	18,900	80,978	99,146	458,553	8,518	3.3	14.3	17.5	81.0	1.5
BANDERA (100%)	10,562	23	1,172	1,195	9,276	91	0.2	11.1	11.3	87.8	0.9
BELL (41%)	77,822	5,999	7,911	13,572	62,290	1,780	7.7	10.2	17.7	80.0	2.3
BLANCO (100%)	5,972	56	840	896	5,038	38	0.9	14.1	15.0	84.4	0.6
BURNET (26%)	5,826	10	969	1,073	4,719	34	1.9	16.6	18.4	81.0	0.6
COMAL (78%)	40,451	205	4,616	4,813	35,405	233	0.5	11.4	11.9	87.5	0.6
GILLESPIE (100%)	17,204	34	2,426	2,455	14,676	73	0.2	14.1	14.3	85.3	0.4
GUADALUPE (69%)	44,685	1,835	10,560	12,302	31,837	546	4.1	23.6	27.5	71.2	1.2

---------COUNTY----------	----------POPULATION----------						----------% OF POPULATION----------				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
HAYS (7%)	4,435	17	477	488	3,907	40	0.4	10.8	11.0	88.1	0.9
KENDALL (100%)	14,589	58	2,392	2,441	12,052	96	0.4	16.4	16.7	82.6	0.7
KERR (100%)	36,304	805	5,994	6,746	29,303	255	2.2	16.5	18.6	80.7	0.7
KIMBLE (100%)	4,122	2	772	774	3,330	18	0.0	18.7	18.8	80.8	0.4
LLANO (89%)	10,316	22	434	456	9,805	55	0.2	4.2	4.4	95.0	0.5
MASON (100%)	3,423	6	671	677	2,734	12	0.2	19.6	19.8	79.9	0.4
MENARD (3%)	58	0	20	20	38	0	0.0	34.5	34.5	65.5	0.0
REAL (100%)	2,412	0	574	574	1,814	24	0.0	23.8	23.8	75.2	1.0
SCHLEICHER (100%)	2,990	27	1,062	1,086	1,898	6	0.9	35.5	36.3	63.5	0.2
TOM GREEN (19%)	18,551	542	2,088	2,612	15,646	293	2.9	11.3	14.1	84.3	1.6
TRAVIS (2%)	10,190	28	418	441	9,663	86	0.3	4.1	4.3	94.8	0.8
WILLIAMSON (65%)	90,928	3,026	9,903	12,794	76,230	1,904	3.3	10.9	14.1	83.8	2.1

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 022 TOTALS	566,217	25,127	64,486	89,009	459,510	17,698	4.4	11.4	15.7	81.2	3.1
BRAZORIA (17%)	33,207	992	5,529	6,501	25,938	768	3.0	16.7	19.6	78.1	2.3
HARRIS (19%)	523,145	24,043	58,309	81,774	424,540	16,831	4.6	11.1	15.6	81.2	3.2
MONTGOMERY (5%)	9,865	92	648	734	9,032	99	0.9	6.6	7.4	91.6	1.0
DISTRICT 023 TOTALS	566,217	16,484	354,149	369,803	190,341	6,073	2.9	62.5	65.3	33.6	1.1
BEXAR (8%)	95,091	1,943	19,331	21,199	71,866	2,026	2.0	20.3	22.3	75.6	2.1
BREWSTER (100%)	8,681	85	3,702	3,779	4,833	69	1.0	42.6	43.5	55.7	0.8
CRANE (100%)	4,652	130	1,577	1,705	2,920	27	2.8	33.9	36.7	62.8	0.6
CROCKETT (100%)	4,078	39	2,021	2,052	2,016	10	1.0	49.6	50.3	49.4	0.2
CULBERSON (100%)	3,407	2	2,419	2,421	950	36	0.1	71.0	71.1	27.9	1.1
DIMMIT (100%)	10,433	60	8,688	8,738	1,655	40	0.6	83.3	83.8	15.9	0.4
ECTOR (29%)	34,344	3,677	21,186	24,766	9,210	368	10.7	61.7	72.1	26.8	1.1
EDWARDS (100%)	2,266	0	1,182	1,182	1,076	8	0.0	52.2	52.2	47.5	0.4
EL PASO (4%)	25,393	1,838	13,235	14,972	9,767	654	7.2	52.1	59.0	38.5	2.6
HUDSPETH (100%)	2,915	15	1,935	1,944	956	15	0.5	66.4	66.7	32.8	0.5

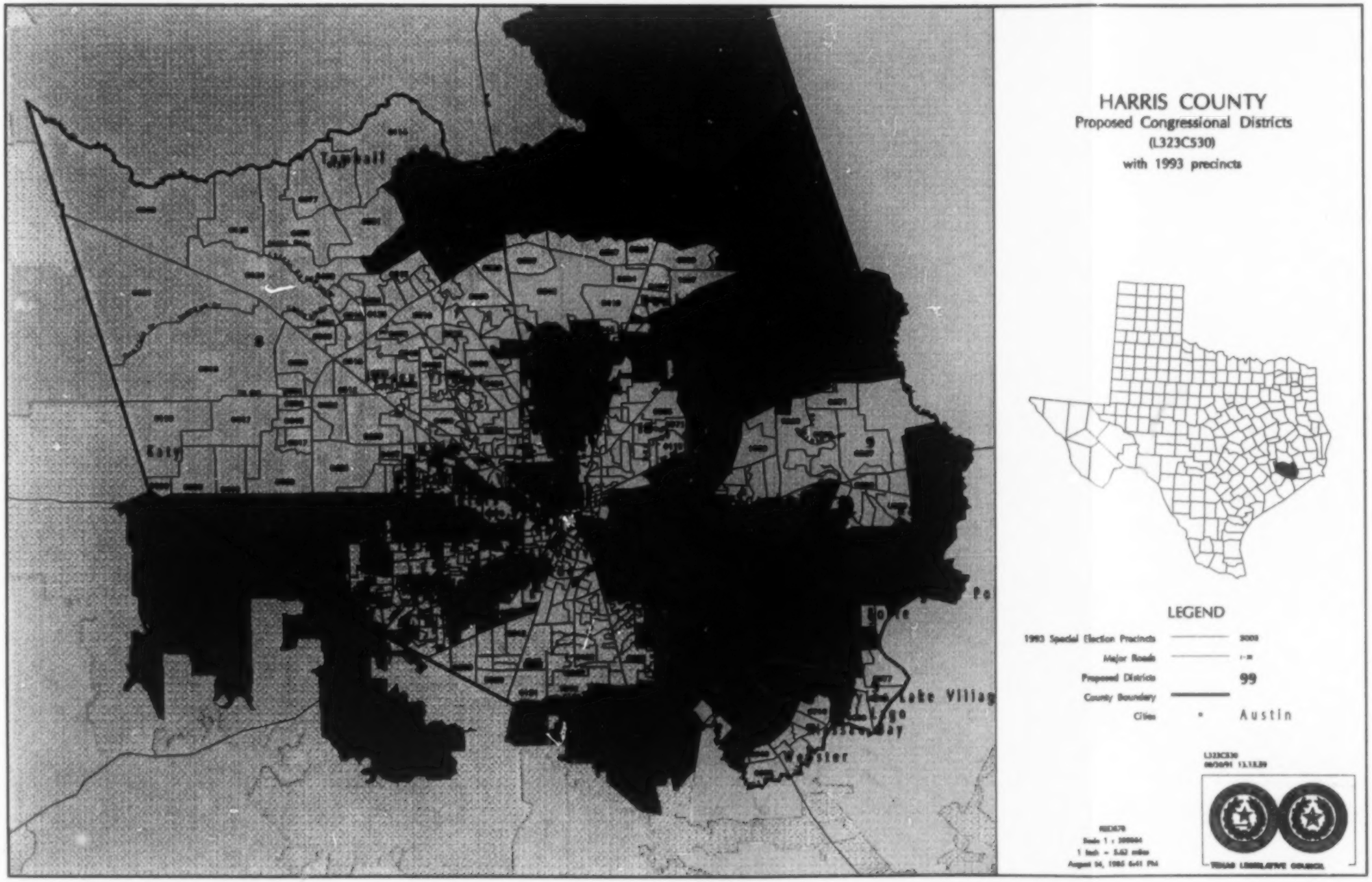
COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
JEFF DAVIS (100%)	1,946	7	770	776	1,154	16	0.4	39.6	39.9	59.3	0.8
KINNEY (100%)	3,119	57	1,570	1,618	1,463	38	1.8	50.3	51.9	46.9	1.2
LOVING (100%)	107	0	14	14	93	0	0.0	13.1	13.1	86.9	0.0
MAVERICK (100%)	36,378	32	34,024	34,037	1,571	770	0.1	93.5	93.6	4.3	2.1
MEDINA (100%)	27,312	92	12,134	12,205	14,928	179	0.3	44.4	44.7	54.7	0.7
MIDLAND (24%)	25,222	5,988	13,495	19,284	5,756	182	23.7	53.5	76.5	22.8	0.7
PECOS (100%)	14,675	62	8,331	8,382	6,209	84	0.4	56.8	57.1	42.3	0.6
PRESIDIO (100%)	6,637	6	5,417	5,419	1,197	21	0.1	81.6	81.6	18.0	0.3
REAGAN (100%)	4,514	127	1,941	2,049	2,458	7	2.8	43.0	45.4	54.5	0.2
REEVES (100%)	15,852	347	11,545	11,885	3,909	58	2.2	72.8	75.0	24.7	0.4
SUTTON (100%)	4,135	2	1,866	1,867	2,244	24	0.0	45.1	45.2	54.3	0.6
TERRELL (100%)	1,410	1	751	573	651	7	0.1	53.3	53.3	46.2	0.5
UPTON (100%)	4,447	94	1,666	1,754	2,666	27	2.1	37.5	39.4	60.0	0.6
UVALDE (100%)	23,340	47	14,104	14,139	9,030	171	0.2	60.4	60.6	38.7	0.7
VAL VERDE (100%)	38,721	757	27,299	27,979	10,418	324	2.0	70.5	72.3	26.9	0.8

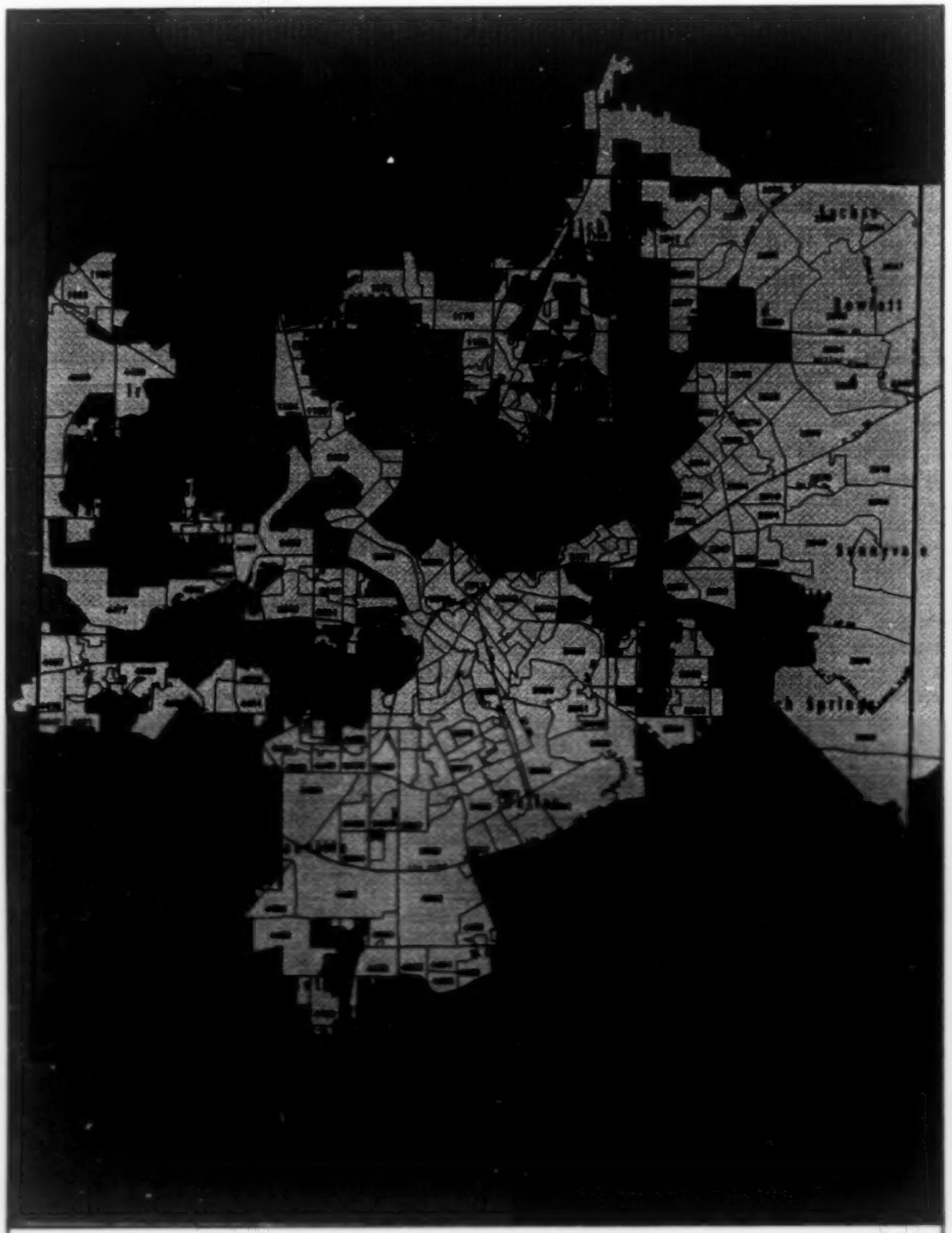
COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
WARD (100%)	13,115	457	4,830	5,262	7,728	125	3.5	36.8	40.1	58.9	1.0
WEBB (100%)	133,239	156	125,069	125,137	7,427	675	0.1	93.9	93.9	5.6	0.5
WINKLER (100%)	8,626	167	3,172	3,327	5,236	63	1.9	36.8	38.6	60.7	0.7
ZAVALA (100%)	12,162	296	10,875	11,159	954	49	2.4	89.4	91.8	7.8	0.4
DISTRICT 024 TOTALS	566,217	111,781	133,066	242,809	307,934	15,474	19.7	23.5	42.9	54.4	2.7
DALLAS (13%)	233,888	19,735	82,512	101,583	126,970	5,335	8.4	35.3	43.4	54.3	2.3
ELLIS (48%)	41,163	6,939	6,904	13,749	27,159	255	16.9	16.8	33.4	66.0	0.6
HILL (100%)	27,146	2,520	2,230	4,722	22,310	114	9.3	8.2	17.4	82.2	0.4
TARRANT (23%)	264,020	82.587	41,420	122,755	131,495	9,770	31.3	15.7	46.5	49.8	3.7
DISTRICT 025 TOTALS	566,217	262,846	166,997	374,812	170,715	20,690	46.4	20.7	66.2	30.2	3.7
AUSTIN (41%)	8,035	1,350	1,372	2,685	5,314	36	16.8	17.1	33.4	66.1	0.4
BRAZORIA (8%)	16,169	3,736	4,847	8,379	7,614	176	23.1	30.0	51.8	47.1	1.1
BRAZOS (1%)	1,271	164	216	380	890	1	12.9	17.0	29.9	70.0	0.1
BURLESON (36%)	4,839	1,414	703	2,085	2,726	28	29.2	14.5	43.1	56.3	0.6
CHAMBERS (1%)	193	0	44	44	145	4	0.0	22.8	22.8	75.1	2.1

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
COLORADO (24%)	4,403	1,356	1,559	2,887	1,508	8	30.8	35.4	65.6	34.2	0.2
FORT BEND (37%)	82,534	37,016	26,486	62,748	17,647	2,139	44.8	32.1	76.0	21.4	2.6
GALVESTON (38%)	82,613	33,246	16,689	49,307	32,252	1,054	40.2	20.2	59.7	39.0	1.3
GRIMES (58%)	10,995	4,031	2,205	6,175	4,791	29	36.7	20.1	56.2	43.6	0.3
HARRIS (8%)	221,365	98,939	51,001	147,360	60,395	13,610	44.7	23.0	66.6	27.3	6.1
JEFFERSON (39%)	93,631	64,187	5,760	69,411	20,834	3,386	68.6	6.2	74.1	22.3	3.6
MILAM (23%)	5,350	1,471	1,063	2,509	2,817	24	27.5	19.9	46.9	52.7	0.4
WALLER (77%)	17,990	8,637	2,153	10,738	7,168	84	48.0	12.0	59.7	39.8	0.5
WASHINGTON (29%)	7,601	3,217	336	3,533	4,040	28	42.3	4.4	46.5	53.2	0.4
WHARTON (23%)	9,228	4,082	2,563	6,571	2,574	83	44.2	27.8	71.2	27.9	0.9
DISTRICT 026 TOTALS	566,217	22,591	50,448	72,537	471,877	21,803	4.0	8.9	12.8	83.3	3.9
COOKE (100%)	30,777	1,169	1,408	2,559	27,864	354	3.8	4.6	8.3	90.5	1.2
DALLAS (15%)	277,435	13,834	34,827	48,319	214,681	14,435	5.0	12.6	17.4	77.4	5.2
DENTON (66%)	180,653	6,664	10,727	17,281	157,748	5,624	3.7	5.9	9.6	87.3	3.1
TARRANT (7%)	77,352	924	3,486	4,378	71,584	1,390	1.2	4.5	5.7	92.5	1.8

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
DISTRICT 027 TOTALS	566,217	13,760	374,783	387,536	173,888	4,793	2.4	66.2	68.4	30.7	0.8
CAMERON (100%)	260,120	825	212,995	213,562	45,354	1,204	0.3	81.9	82.1	17.4	0.5
KENEDY (100%)	460	0	362	362	93	5	0.0	78.7	78.7	20.2	1.1
KLEBERG (36%)	10,925	239	6,539	6,774	4,004	147	2.2	59.9	62.0	36.6	1.3
NUECES (100%)	291,145	12,691	152,051	163,997	123,716	3,432	4.4	52.2	56.3	42.5	1.2
WILLACY (20%)	3,567	5	2,836	2,841	721	5	0.1	79.5	79.6	20.2	0.1
DISTRICT 028 TOTALS	566,217	48,942	341,113	388,421	172,209	5,587	8.6	60.2	68.6	30.4	1.0
ATASCOSA (100%)	30,533	143	16,064	16,172	14,194	167	0.5	52.6	53.0	46.5	0.5
BEXAR (30%)	358,709	45,695	197,955	242,298	111,863	4,548	12.7	55.2	67.5	31.2	1.3
COMAL (22%)	11,381	238	7,248	7,472	3,828	81	2.1	63.7	65.7	33.6	0.7
DUVAL (100%)	12,918	12	11,267	11,275	1,601	42	0.1	87.2	87.3	12.4	0.3
FRIO (100%)	13,472	183	9,749	9,890	3,509	73	1.4	72.4	73.4	26.0	0.5
GUADALUPE (31%)	20,188	1,830	8,686	10,395	9,617	176	9.1	43.0	51.5	47.6	0.9
JIM HOGG (100%)	5,109	4	4,659	4,662	424	23	0.1	91.2	91.3	8.3	0.5
JIM WELLS (71%)	26,816	167	21,371	21,516	5,147	153	0.6	79.7	80.2	19.2	0.6

COUNTY	POPULATION						% OF POPULATION				
	TOTAL	BLACK	HISPANIC	BLK+HISP	ANGLO	OTHER	BLACK	HISP	B+H	ANGLO	OTHER
KARNES (69%)	8,573	349	4,763	5,093	3,431	49	4.1	55.6	59.4	40.0	0.6
LA SALLE (100%)	5,254	53	4,068	4,120	1,102	32	1.0	77.4	78.4	21.0	0.6
MCMULLEN (100%)	817	0	320	320	493	4	0.0	39.2	39.2	60.3	0.5
STARR (100%)	40,518	25	39,390	39,399	1,001	118	0.1	97.2	97.2	2.5	0.3
WILSON (100%)	22,650	242	8,054	8,289	14,273	88	1.1	35.6	36.6	63.0	0.4
ZAPATA (100%)	9,279	1	7,519	7,520	1,726	33	0.0	81.0	81.0	18.6	0.4
DISTRICT 029 TOTALS	566,217	68,774	331,677	396,574	157,720	11,923	12.1	58.6	70.0	27.9	2.1
HARRIS (20%)	566,217	68,774	331,677	396,574	157,720	11,923	12.1	58.6	70.0	27.9	2.1
DISTRICT 030 TOTALS	566,217	283,225	96,732	375,233	177,661	13,323	50.0	17.1	66.3	31.4	2.4
COLLIN (3%)	7,050	1,398	2,696	4,048	2,844	158	19.8	38.2	57.4	40.3	2.2
DALLAS (30%)	557,218	280,620	93,472	369,452	174,622	13,144	50.4	16.8	66.3	31.3	2.4
TARRANT (0%)	1,949	1,207	564	1,733	195	21	61.9	28.9	88.9	10.0	1.1


Tomball
Katy
Lake Villag
Webster
HARRIS COUNTY
Proposed Congressional Districts
(L323C530)
with 1993 precincts
LEGEND
1993 Special Election Precincts
Major Roads
Proposed Districts
99
County Boundary
Cities
Austin
L323C530
TEXAS LEGISLATIVE COUNCIL


DALLAS COUNTY
Proposed Congressional Districts
LULAC/C530
with 1993 precincts
LEGEND
Austin

State's Exhibit 28

MRED03A — PLAN ANALYSIS REPORTS SYSTEM — 06/25/94
DATA: PL94-171 — PLAN DEMOGRAPHIC ANALYSIS — 16:49:01
PLANID: C500 — CONGRESSIONAL DISTRICTS — PAGE 001

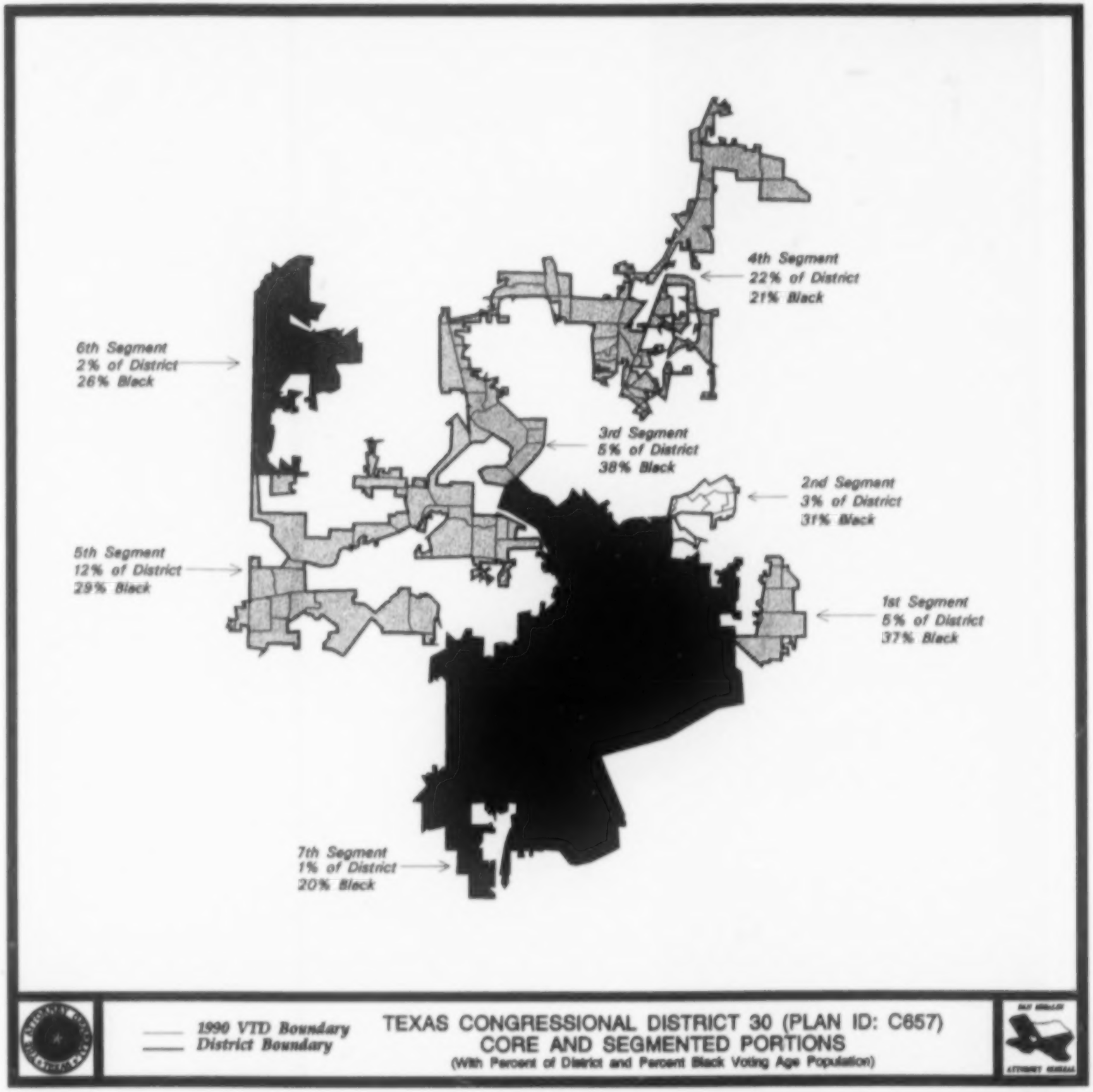
TOTAL POPULATION	16,986,510	UNASSIGNED POPULATION	0
TOTAL DISTRICTS REQUIRED	30	REMAINING DISTRICTS	0
IDEAL DISTRICT POPULATION	566,217	UNASSIGNED MEAN DEVIATION	0

	MEAN (AVERAGE)	SMALLEST POPULATION DIST.: 26	LARGEST POPULATION DIST.: 9
DISTRICT POPULATION	566,217	565,494	567,197
ABSOLUTE DEVIATION	405	-723	980
RELATIVE DEVIATION	0.07%	-0.13%	0.17%

PLAN'S RANGE OF DEVIATION: ABSOLUTE = 1,703 RELATIVE = 0.30%

**** SOURCE: DAN MORALES, ATTORNEY GENERAL OF TEXAS

State's Exhibit 33

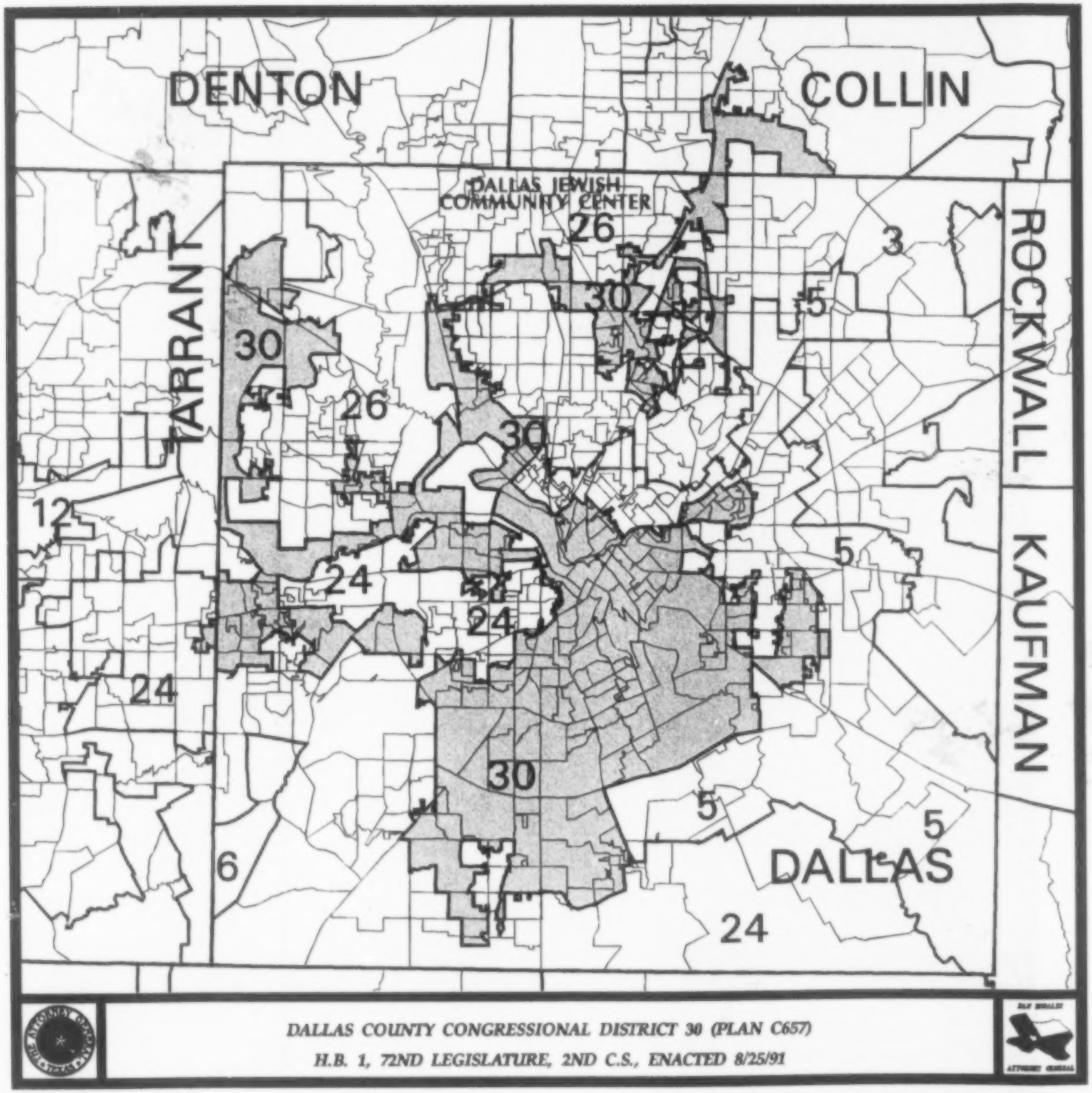


State's Exhibit 41

TEXAS CONGRESSIONAL DISTRICT 6
1967

337

State's Exhibit 53



State's Exhibit 54

COMPARISON OF CONGRESSIONAL DISTRICTS 18, 29 AND 30 FROM PLAN C657 WITH THE "TALKED ABOUT" DISTRICT 25 FROM PLAN C532
(DISTRICTS DRAWN TO SCALE)

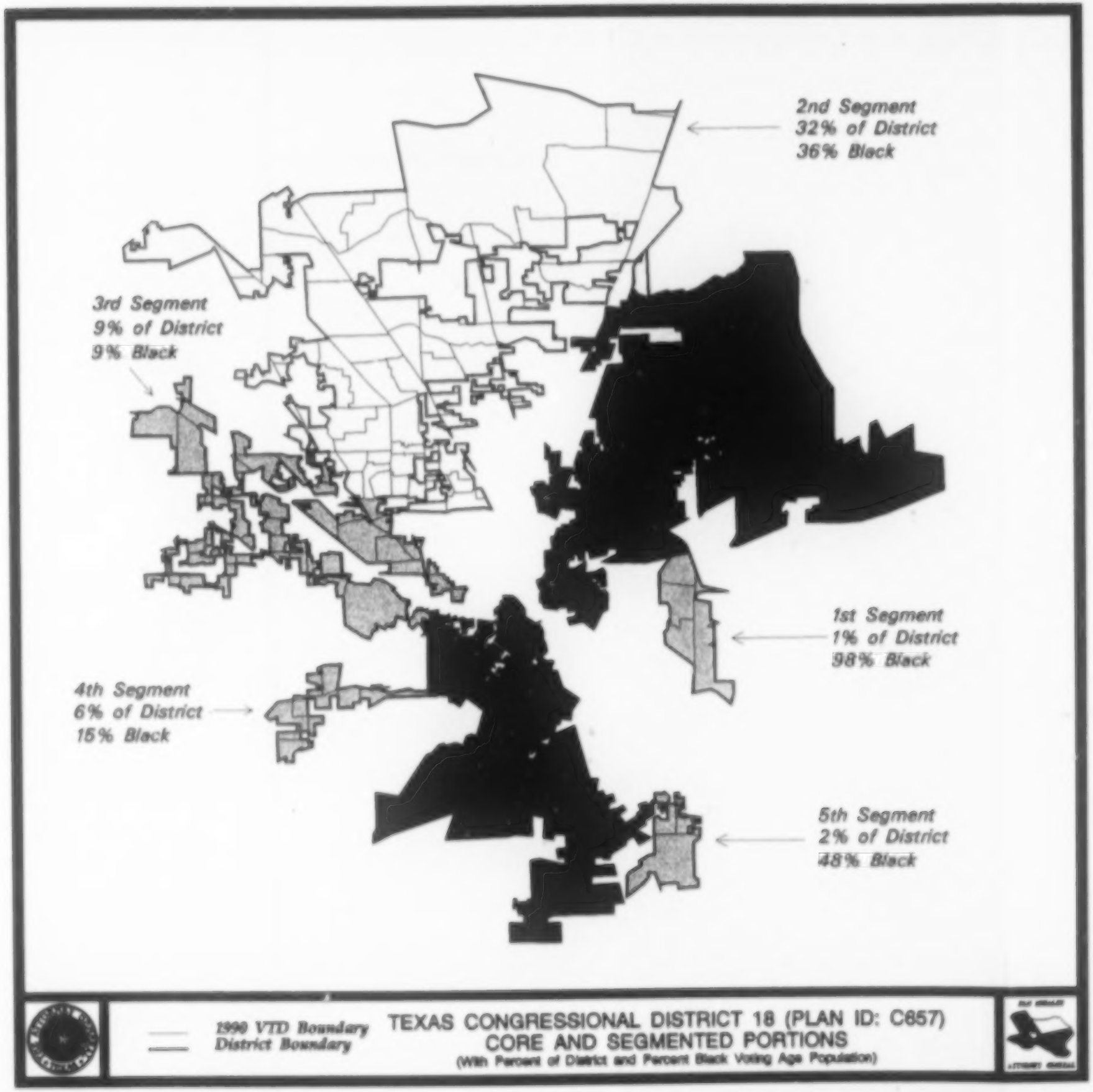
State's Exhibit 55

COMPARISON OF CONGRESSIONAL DISTRICTS 18, 29 AND 30 FROM PLAN C657
WITH NORTH CAROLINA DISTRICT 12
(DISTRICTS DRAWN TO SCALE)

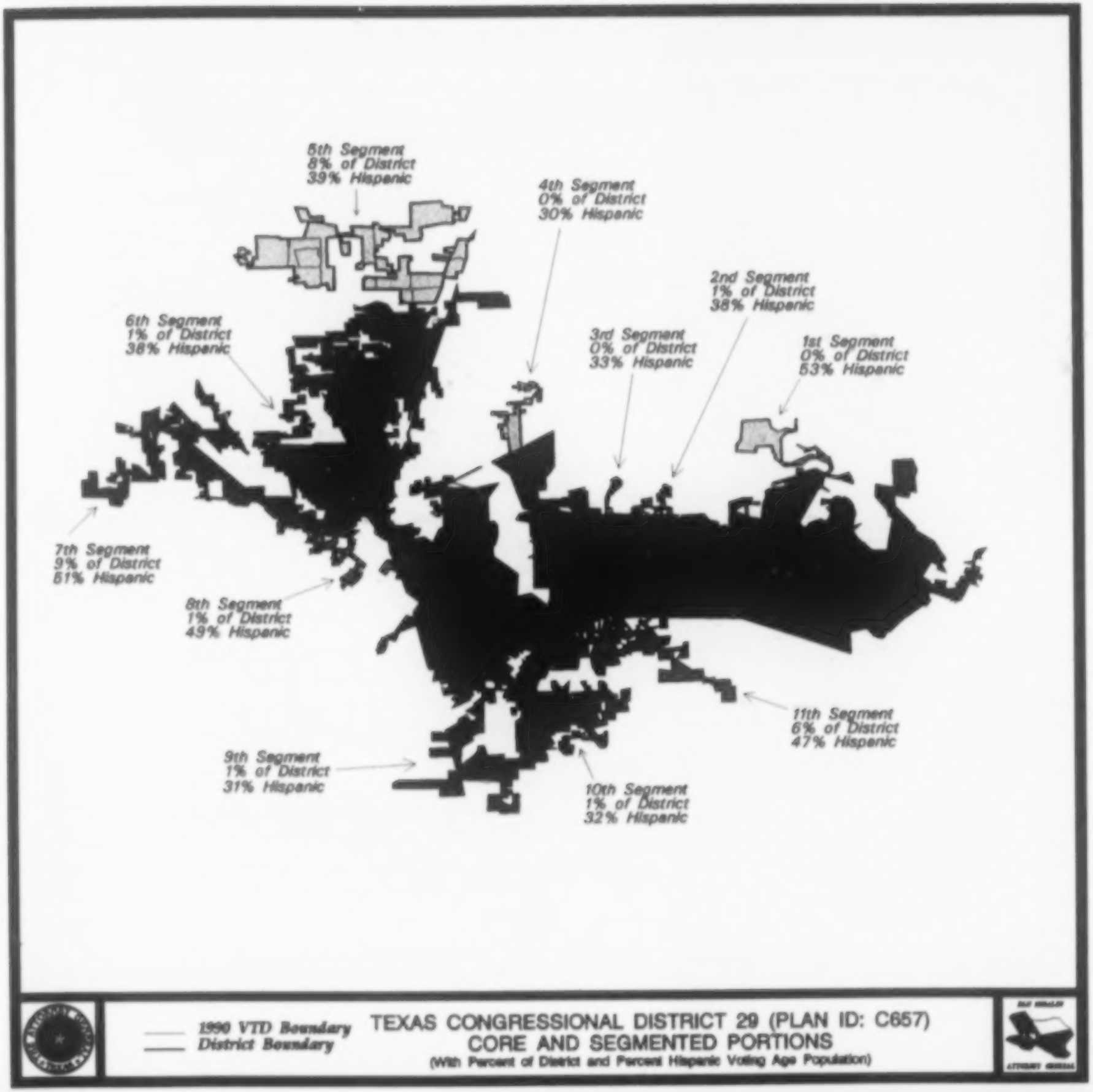
State's Exhibit 57

COMPARISON OF CONGRESSIONAL DISTRICTS 18, 29 AND 30 FROM PLAN C657
WITH 1967 TEXAS CONGRESSIONAL DISTRICT 6
(DISTRICTS DRAWN TO SCALE)

State's Exhibit 61A



Plaintiffs' Exhibit 61B



Government Exhibit 1007
Section 5 Preclearance Letter

November 18, 1991

Honorable John Hannah, Jr.
Secretary of State
Elections Division
P. O. Box 12060
Austin, Texas 78711-2060

Dear Mr. Secretary:

This refers to Chapter 7 (1991), which provides for the 1991 congressional redistricting plan for the State of Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your initial submission on September 17, 1991; supplemental information was received on September 23, October 29, and November 1, 4, 13, 14 and 15, 1991.

We have carefully considered the information you have provided, as well as Census data and information and comments from other interested persons. At the outset, we note that the state waited nearly one month before seeking the requisite preclearance under Section 5 for the congressional redistricting plan. Although we have found that your initial submission was not complete, in an effort to expedite our review, as you requested, we have sought additional information informally and we are providing a determination within the 60-day period following your initial submission.

The Attorney General's review of voting changes occasioned by redistricting is governed by Section 5 of the

Voting Rights Act, which requires that the submitting authority demonstrate that the proposed change has neither a discriminatory purpose nor a discriminatory effect on account of race, color or language minority status. Georgia v. United States, 411 U. S. 526 (1973); see also the Procedures for the Administration of Section 5 (28 C.F.R. 51.52). In addition, preclearance may not be obtained if implementation of the change would clearly violate Section 2 of the Act. 28 C.F.R. 51.55.

Based upon that review authority, the Attorney General does not interpose any objection to the submitted redistricting plan. As authorized by Section 5, however, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the 60-day review period. See 28 C.F.R. 51.43.

While we are precleaning this plan under Section 5, the extraordinarily convoluted nature of some districts compels me to disclaim any implication that our preclearance establishes that the proposed plan is otherwise lawful or constitutional. I understand that litigation challenging the legal and constitutional propriety of various districts is pending. Terrazas v. Slagle, No. 91-CA-428 (W.D. Tex.). Our preclearance of the submitted redistricting plan in no way addresses the state's approach to its redistricting obligations other than with regard to Section 5. Indeed, Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See 28 C.F.R. 51.41.

/s/

John R. Dunne
Assistant Attorney General
Civil Rights Division

Government Exhibit 1033

Newspaper Article from
Times Herald Washington Bureau
by Richard S. Dunham
September 1, 1991

Johnson wins big for blacks
Senator's tactics pay off in congressional district

WASHINGTON - In the world of political poker players, Eddie Bernice Johnson is an unlikely card shark.

No bluff, no double talk, no small talk. When it came to the once-a-decade game of congressional redistricting, the Dallas state senator sat down at the table with some of the most skilled political gamblers in the nation - the Texas congressional delegation - and came away victorious.

Johnson, who made history seven years ago by becoming Dallas' first black senator, declared what she was going to do and did it. In the end, when the rest of the players folded, she held all the cards.

The prize: A new congressional district in Dallas with a black population of 50 percent and a total minority population of 66 percent. Johnson says she is a likely candidate in the district she designed so carefully.

"It's clear that she won exactly what she set out to win," said Rep. John Bryant, D-Pleasant Grove, whose East Dallas-based district was redrawn radically to satisfy Johnson's demands.

For the past seven months, Dallas voters were the chips in this high-stakes poker game between white Democrats and the party's most loyal constituency, black voters.

United by the emotional battle over Dallas City Council districts and embittered by the memory of a 1981

congressional redistricting plan that divided the black community between two white Democrats, black leaders expected the worst - and achieved the best.

"As Frederick Douglas said, 'Where there is no struggle, there is no progress,'" quoted state Rep. Fred Blair, D-Oak Cliff, chairman of the Legislative Black Caucus.

The Dallas drama dominated the redistricting debate and overshadowed the political bottom line: a smashing victory for Democrats. That is, if the plan is not voided by the Republicans' two trump cards, the Justice Department and the GOP-dominated federal courts.

Outnumbered in the Legislature and defeated in the 1990 gubernatorial election, Texas Republicans were relegated to the sidelines when the cards were dealt, complaining all along that the deck was stacked against them.

Despite GOP electoral gains in suburban and rural Texas, the plan approved by the Legislature last Sunday creates 22 Democrat-leaning districts, while packing Republicans into eight, the same number held by the GOP today.

"It looked fairly greedy to me," said state Sen. Teel Bivens, R-Amarillo. "They did an incredible job. It looks like those guys could sell manure to a feed yard."

The GOP's political impotence was not a surprise because Clayton Williams' collapse in the 1990 governor's race gave them little influence in the redistricting process.

But few political insiders expected Johnson and her allies among Dallas black leaders to play the game so well.

"She knew exactly what cards she had," said one Democratic strategist who had attempted to thwart Johnson during the process. "She played a very tough game and she won."

The first hand

When the redistricting process began in January, many strategists expected Johnson to be a bit player, despite her position as chairwoman of the Senate congressional redistricting panel.

Texas congressional Democrats agreed in January on the outlines of a redistricting proposal that created three new minority congressional seats (a black-dominated Dallas district and Hispanic seats in Houston and South Texas), while protecting all 27 sitting House members of both parties. "A lot of people thought it would be a piece of cake," said one white Democrat involved in the process. "Well, it wasn't."

The plans went astray the day they were unveiled - and blacks discovered that the new Dallas district was only 39 percent black and 22 percent Hispanic.

Dallas black leaders - already angered at the long and bitter struggle over council redistricting - felt betrayed once again. They feared that whites would hold the balance of power in the minority district, maintaining the ability to choose the black they preferred for the job.

"There was no trust any more after that," Bryant said. "There was a basic assumption that we were trying to steal their district."

Compounding the problem was a deep personality conflict between Johnson and Dallas Rep. Martin Frost, chairman of the national Democratic redistricting committee, IMPACT 2000. Johnson publicly chastised her fellow Oak Cliff Democrat and said she was "sick to death" of his attempts to dictate rules of the game.

Upping the ante

Angered at the congressional proposal, prominent blacks vowed to join with Republicans, if necessary, to challenge the plan in court if they did not receive a minority district drawn to their satisfaction.

While black lawmakers earlier had signaled willingness to accept a district with a black population of

47 percent or less, the stakes soon became substantially higher.

"It was not easy," said Johnson. "The people in the [black] community felt the district belonged to them for a very long time. But Frost and Bryant did not want to give up that [Democratic] population."

Johnson, who was trying to balance the interests of her constituents and her loyalty to her party, sided with her constituents.

"She created a monster that she couldn't control," said one Democratic redistricting insider. "In the end, this idea of a 50 percent [black] district grew and it took on a life of its own, and Eddie Bernice had no way to compromise on that issue."

Johnson and Blair made it clear that they were willing to sacrifice Frost and Bryant if necessary to achieve their goals. They also promised legal action to overturn any redistricting plan they did not accept, including intervention with the Justice Department, which must approve all Texas maps.

"We stood extremely strong for our position," Blair said. "We put a lot of pressure on some people."

Some congressmen thought Johnson was bluffing when she continued to demand a 50 percent district. They wanted to call her bluff in a showdown vote on the Senate floor.

The trump card

About three weeks ago, Johnson was dealt the ultimate ace. Lt. Gov. Bob Bullock sided with her in the Dallas stalemate.

"He indicated that it was his intention that Eddie Bernice Johnson was going to get 100 percent of what she wanted," said Rep. Jim Chapman, D-Sulphur Springs. "He made that very clear."

Johnson had been an early Bullock supporter for lieutenant governor and, more importantly, had been a

staunch supporter during the acrimonious special session. "He owed her," said one Democrat.

Rep. Ron Coleman, D-El Paso, the leading peacemaker among congressional Democrats, passed the word along to Bryant and Frost. According to one source, Coleman's blunt message boiled down to this: "If that's what the black community says it needs, that's what we're going to do."

"It was largely out of our hands after that," Bryant said.

Amid rumors that either Bryant or Frost would be sacrificed to protect the other Democrats, Gov. Ann Richards - who had taken a low-key approach to redistricting - weighed in on behalf of the beleaguered Dallas Democrats.

"She made some calls to key people," said one witness. "She said if Martin Frost and John Bryant are paired [against each other] or sacrificed, I'll veto the bill."

To create a 50 percent black district, the proposed district snaked through North Dallas into Plano, sometimes forming corridors barely wider than Central Expressway and LBJ Freeway. Republican state Rep. Fred Hill of Richardson protested that if you live more than 100 yards off the freeway, you're out of the district at some points.

In some integrated parts of Pleasant Grove and Oak Cliff, neighborhoods were divided so that black apartment dwellers are in one district while their white neighbors are in another district.

To replace black Dallas constituents, Bryant was given black sections of Tyler and Bryan, while Frost was given a predominantly black neighborhood on Fort Worth's east side.

Johnson was pleased with her efforts, "When I look at this map, I thank God for computers," she told her colleagues on the Senate floor.

The changes in Dallas produced ripples across East Texas, forcing Democrats Chapman, Ralph Hall of Rockwall and Charlie Wilson of Lufkin to accept more Republican districts.

"It was a tidal wave that came into East Texas," Chapman said. "The good news is, it didn't drown anybody."

House Speaker Gib Lewis of Fort Worth angrily objected two weeks ago to dividing his home county into six districts to satisfy Dallas politicians.

"Gib was not going to let Tarrant County be carved up just to serve the purposes of people on the other end of the turnpike," said Rep. Pete Geren, D-Fort Worth. "He dug in his heels."

After a nightlong effort at finding a compromise, Bullock and Lewis pressured Democratic lawmakers to accept the plan by signing a computer printout of the proposed districts. Among the congressmen, "no one was happy," said one source, but none dissented.

"We started out with a good game plan," lamented one congressional strategist. "But we made some real fundamental mistakes. So much of the rancor was totally unnecessary."

The next hand

After months of watching helplessly as the poker game progressed, Republicans are jubilant in anticipation of being able to deal a few cards during the next hand.

"It's going to be so much nicer to have the upper hand," said Republican redistricting expert Craig Murphy, an aide to Rep. Joe Barton, R-Ennis. "There's no question - no question at all - that this plan is going to be thrown out by the Justice Department."

Johnson said the Justice Department may object to the division of Fort Worth blacks between Frost and Geren, but she predicted the plan that ultimately becomes law will be nearly identical to the one adopted last week.

Texas Republican Chairman Fred Meyer, however, said the entire matter ultimately will be decided by Republican judges.

"The Democrats wasted all their time because they're going to lose in court," Meyer predicted.

Is It Art or Politics?

- The Dallas-Fort Worth area resembles a Jackson Pollock panting. It may take a lawyer or modern art expert to figure out who your representative is. Dallas County will have seven representatives in Congress, up from four. Tarrant County will have parts of five districts, up from two.
- More than two-thirds of Dallas County residents and more than half of Tarrant County voters will have new lawmakers.
- Rep. John Bryant's East Dallas-based 5th District, now fully contained within Dallas County, will stretch to Tyler on its east side and Bryan on its south side.
- The Texas A&M University community will be represented by a Baylor Bear (Jack Fields of Humble) and an SMU Mustang (Bryant). On the other hand, Baylor University will be represented by an Aggie (Chet Edwards of Waco). TCU gets a double whammy, it will be represented by a Texas Longhorn (Pete Geren of Fort Worth) and an Aggie (Joe Barton of Ennis).
- Denton will be represented by a congressman from Amarillo, Bill Sarpalius, who lives a good eight-hour drive away. Happy motoring!
- Meanwhile, former House Speaker Jim Wright of Fort Worth, a very partisan Democrat, is likely to end up with a Republican congressman, Barton.
- For the first time ever, Lyndon Johnson's hometown and Pedernales River ranch will not be in LBJ's old 10th District. They will be transferred along

with Johnson's alma mater, Southwest Texas State University in San Marcos, to the 14th District, represented by Greg Laughlin of West Columbia.

- The largest district in the state, San Antonio Democrat Albert Bustamante's 23rd District, will stretch 700 miles along the Mexican border from the El Paso County line to Laredo -- roughly the distance from Dallas to St. Louis.
- Blacks and Hispanics will constitute a majority in nine Texas districts; today six districts are minority-dominated.
- There are no black or Latino representatives in districts with Anglo majorities. Only one Anglo, Ron Coleman of El Paso represents a minority-dominated district.
- With the creation of a 50 percent black district, Dallas is likely to shed its distinction of having the largest bloc of black voters in the country without a black representative.
- Urban areas continue to gain power at the expense of rural Texas. Eighteen of the 30 representatives are likely to reside in Dallas, Fort Worth, Houston, San Antonio or their suburbs. Twenty years ago, only eight of the 23 Texas congressmen lived in the state's four largest cities and none lived in the suburbs.
- The state's most bizarre district, the 6th, which cuts a narrow swath from the Dallas suburbs to the outskirts of Houston, has been transformed into a suburban North Texas district. The old district, drawn to satisfy a powerful Aggie lawmaker, has been the butt of jokes for years. It was said that if you opened your car door while driving down I-45, you'd kill half the residents of the 6th District. Not anymore.

-- Richard S. Dunham

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Government Exhibit 1053

Newspaper Aricle from
Houston Chronicle
by Lori Rodriguez
August 24, 1991

Getting point of redistricting

WHEN it comes to priorities in the fine art of drawing a political district, what it looks like usually ranks down there with whether you use a pencil or ballpoint.

Unless what it looks like interferes with what you want it to do. Then what it looks like ranks up there with the Voting Rights Act and the United States Constitution.

When state Rep. Roman Martinez and House leaders recently popped out a revised version of a Hispanic congressional district being carved out here, they said the revisions were to make the district compact as required by law.

Never mind that one side of U.S. Rep. Craig Washington's district looks like the hind end of a scorpion. That U.S. Rep. Joe Barton's district stretches from far suburban Dallas to far suburban Houston. That the Hispanic district initially proposed by Martinez looked like a prehistoric flying reptile.

Never mind that the revised version sliced out a politically active Hispanic community in Baytown, the community is the home of Tony Campos. Campos is the father of political consultant Marc Campos and he is the campaign manager of former state Rep. Al Luna.

Never mind, even, that Luna is running against Martinez in the new district along with Houston state Sen. Gene Green - and Green's home was sliced out of the revised version.

Hey, the law requires compact districts and compact they will be. Maybe.

A compact agreement?

Under a tentative agreement reached Friday between Green and Martinez a revised-revised version of the new district includes Baytown and the homes of Martinez, Green and Luna. Compact? Oh, well ...

The fact is that the Legislature often goes for broke and draws the districts for every reason under the Texas sun except compactness. And the fact also is that, in this decade of emerging minorities, federal courts remain muddled on the rules of political redistricting.

"What the courts must address in the 90's is how much can you sacrifice compact districts, which has traditionally been one goal, in pursuit of another goal, which is to increase minority representation," says University of Houston political scientist Richard Murray.

"The Legislature obviously chose to just ignore compactness and go all out for stringing districts together, whatever the shape. But they will have an interesting time in the federal courts defending that."

Murray this week was doing some defending himself on behalf of the redistricting plan approved by Harris County Commissioners Court over Hispanic objections. Again it was question of priorities. When the goals of increasing minority representation, protecting communities of interest, saving the seats of incumbents and creating compact districts clash, which one wins?

"We showed that a Hispanic-dominated district could be created and commissioners chose not to listen to us," says Lisa Hernandez, local director of the Southwest Voter Registration Education Project.

"Now the burden of proof is on them to explain why - either to the Justice Department, where we are filing an objection to the plan, or to the federal courts, where we will file a lawsuit if we have to.

"And we have litigated 88 times through the federal courts and the federal courts have always upheld our case. We have never lost."

Effective county government

But Murray believes that compactness of commissioners' precincts is crucial to the effectiveness of county government.

"It's understandable that Hispanics feel their goal of having a Hispanic commissioner is the most important consideration," says Murray. But commissioners each employ several hundred people, provide all kinds of government services, maintain their own equipment and depend on being able to get around the district with reasonable ease.

"That may not have any standing under the Voting Rights Act, but they are important considerations in the practical, day-to-day world."

Besides being "incredibly contorted," Murray says the districts proposed by Hispanics needlessly split longtime communities like Baytown and Pasadena and dilute the strength of black Commissioner El Franco Lee by adding Sharpstown Anglos to his district.

"The political reality is that Commissioner Jim Fonteno has been in office a long time and can't be far from stepping down," says Murray. "And under the new plan, his district has just under 40,000 Hispanics and about 50,000 Anglos.

"Hispanics should overtake Anglos by the late '90s and by the next census in the year 2000, their numbers will be just about reversed and the gap will be widening."

All Hispanics really have to do is bide their time.

Government Exhibit 1065

Declaration of Dr. Charles L. Cotrell from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 20, 1994

Credentials and Experience

1. My name is Charles L. Cotrell; I am a resident of Texas and a native San Antonian. My current position is Vice President of Academic Affairs and Professor of Political Science at St. Mary's University in San Antonio, Texas. I received my B.A. and M.A. degrees in Government from St. Mary's University in 1962 and 1964 respectively. The Ph.D. in Political Science was earned from the University of Arizona in 1970. I teach in the fields of voting behavior, media, and elections, minority voting behavior, and public administration (see attached vita, Attachment A).

2. I have authored articles in learned journals, federal government reports, and professional conference papers on the topic of minority voter participation and representation, election structures and the Voting Rights Act. My experience also includes research and testimony on minority political access and the effect of election structures in numerous U. S. District Courts in Texas, New Mexico, Alabama, Florida, Louisiana and Massachusetts (see attached list of cases, Attachment B.). This includes testimony as an expert witness in Graves v. Barnes, 343 F. Supp. 704 (W.D. Tex. 1972 (three judge) aff'd in relevant part sub nom. White v. Regester, 412 U.S. 755 (1973). Further, my experience includes testimony on the extension of the Voting Rights Act to Texas before the U.S. House and Senate Committees on

the Judiciary, Subcommittees on Civil and Constitutional Rights (1975 and 1981). I also gave testimony on the effects of single member districts in the election of state legislators before a committee of the Texas Constitutional-Convention (1974). During the period 1976-78, I directed a project which monitored Section 5 submissions under the Voting Rights Act.

3. The United States Department of Justice has retained me in this case at a compensation rate of $100 per hour plus any expenses incurred.

Task of This Report

4. My task in this report is to summarize the history of law suits and Section 5 objections under the Voting Rights Act which were found to have violated the voting rights of Texas Hispanics and blacks. This summary is expressed either in the context of the state or in the context of particular counties within the state. Also, I will consider these historical findings as a backdrop to the current congressional redistricting plan adopted by the Seventy-second Texas Legislature in the Second Called Session (1991). I will also briefly examine population growth within the State and within Texas counties as a consideration in the adopted plan.

5. The summary of voting rights violations includes those adopted by the Texas Legislature which affected the entire state and those found to be violative by counties, school districts, and a select group of cities within the state. With the exception of the state's earlier history of voting rights violations, the time frame of this summary is from 1975 to the present.

A Brief Overview of Texas Voting Rights Violations

6. While this overview is not intended to be exhaustive, a brief examination of suffrage violations in Texas prior to the extension of the special provisions of Section 5 of the Voting Rights Act in 1975 demonstrates a patterned exclusion of minority voters. Beginning with the implementation of a statutory poll tax in 1902, the access of minority voters to the electoral system was rapidly curbed. An all-white primary system was implemented for most of the first half of the 20th Century; multi-member district election systems were adopted at most levels of government in Texas; the state adopted an annual voter registration system which implemented the most restrictive voter registration time period in the nation.

7. A primary election system which excluded black Texans was struck down by the U.S. Supreme Court in Smith v. Allwright, 321 U.S. 649 (1944); the poll tax was ruled unconstitutional in United States v. Texas, 252 F. Supp. 234 (W.D. Tex. 1966 aff'd 384 U.S. 155 (1966); the annual voter registration system, which replaced the poll tax as a restrictive device, was struck down in Beare v. Smith, 321 F. Supp. 1100 (S.D. Tex. 1971), aff'd sub nom Beare v. Briscoe, 498 F. 2d 244 (5th Cir. 1974; an absolute prohibition on the use of interpreters by non-English speaking voters was declared invalid in Garza v. Smith, 320 F. Supp. 131 (W.D. Tex. 1970); unconstitutionally high candidate filing fees were successfully challenged in Carter v. Dies, 321 F. supp. 1358 (N.D. Tex. 1970) aff'd sub nom. Bullock v. Carter, 405 U.S. 134 (5th Cir. 1973).

8. Prior to the extension of Section 5 of the Voting Rights Act in 1975, election of state legislators from multi-member districts was declared to impermissibly dilute the vote of Mexican American and black voters in Bexar (San Antonio) and Dallas (Dallas) Counties in Graves v. Barnes, 343 F.

Supp. 704 (W.D. Tex. 1972) (three judge) aff'd in relevant part sub nom. White v. Regester, 412 U.S. 755 (1973).

9. Again, prior to the extension of the special provisions of Section 5 of the VRA to Texas, the election of state legislators from multi-member election systems (at-large elections) in Nueces County (Corpus Christi), El Paso County (El Paso), McLennan County (Waco), Tarrant County (Fort Worth), Jefferson County (Beaumont), Lubbock County (Lubbock) were declared to dilute unconstitutionally the vote of Mexican Americans and blacks in Graves v. Barnes (Graves II) 378 F. Sup. 640, (W.D. Tex. 1974) (three judge) vac. as moot 422 U.S. 935. Mexican American and black representatives elected to the state legislature began to increase incrementally beginning in 1974 as a result of the two Graves decisions from thirteen minority representatives in 1972 to twenty-three in 1976).

10. Official discrimination was not limited to voting rights violations. A Texas statute required segregation of black and white school children. Mexican American children were segregated on the basis of ethnicity and forced to attend "Mexican" or "Latin American" schools despite the absence of a state statute requiring such segregation (see United States v. Texas, 342 F. Supp. 24 (E.D. Tex. 1971); also, Cisneros v. Corpus Christi I.S.D., 324 F. Supp. 599 (S.D. Tex. 1970); Delgado v. Bastrop I.S.D., C.A. No. 388 (W.D. Tex. Austin Div., June 15, 1948); Perez v. Sonora I.S.D., C.A. No. 6-224 (N.D. Tex. Nov. 5, 1970): Chapa v. Odem I.S.D., Civil Action No. 66-C-92 (S.D. Tex. July 28, 1967).

11. Mexican Americans were found to have been excluded from participation on juries in Hernandez v. State of Texas, 347 U.S. 475 (1954).

Section 5 Objections Under the VRA

12. An examination of a complete list of Section 5 objections issued by the United States Attorney General under the Voting Rights Act from December, 1975 through December 31, 1993 reveals that there have been 170 objections at the State level or to election changes within cities, counties, school districts or other political subdivisions. While the State of Texas is only one of nine states covered wholly or in part by the special provisions of the Voting Rights Act, the State has 21.2% of all Section 5 objections.

13. Of special importance for this report is the fact that 50 objections were listed in political jurisdictions within nine congressional districts with a majority Hispanic or majority black population. These are Congressional Districts 15 (74.5% Hispanic), 16 (70.4% Hispanic), 18 (50.9% black), 20 (60.7% Hispanic), 23 (62.5% Hispanic), 27 (66.2% Hispanic) 28 (60.4% Hispanic), 29 (60.6% Hispanic), and 30 (50.0% black).

14. The new Congressional Districts--28, 29, and 30--added by the 1991 reapportionment, had 21 objections within political subdivisions located wholly or in part of the districts. Nearly one-half (6) of the thirteen Texas counties constituting Congressional District 28, located in part of Bexar County and south Texas, contain Section 5 objections. The counties, or portions thereof, composing Congressional Districts 29 (part of Harris County) and District 30 (composed in part of portions of Dallas and Tarrant Counties) also contain Section 5 objections.

Voting Discrimination Found in School District Litigation

15. Attachment D contains a preliminary list of cases involving challenges to at-large election structures of Texas school districts, 1975-1988, which have resulted in the

adoption of single member districts or mixed plans. These cases reflect the existence of racially or ethnically polarized voting in these districts. The status of a large number of school district cases involving challenges to at-large elections, 1989-1994, is currently being researched

16. A number of the school districts contained on the list in Attachment D are located wholly or in part within counties which constitute parts of majority Hispanic Congressional Districts 15, 16, 23, 28, and 27.

Cities Election Changes, and Voting Rights Violations

17. During the past fifteen year period, the manner of election in Texas cities has undergone dramatic change from at-large election to the adoption of single member district and mixed plans (Brischetto, Richards, Davidson, and Grofman, Quiet Revolution in the South, 1994, 254). These changes have been the result of litigation challenging the method of election, settlements of law suits after litigation has been filed, or voluntary adoption by cities after the threat of law suits, as a response to black and/or Hispanic constituents, or as a response to a prevailing trend. The magnitude of these election changes in the largest cities (Corpus Christi, Dallas, El Paso, Fort Worth, Houston, and San Antonio) can be expressed in terms of population--these cities contain well over one-fourth of the State's population (28.7% or 4,875,222 persons).

18. Corpus Christi and Dallas adopted single member district plans after plaintiffs had prevailed in litigation challenging at-large elections in those cities (Alonzo v. Jones, CA-81-227 (S.D. Tex., Corpus Christi Div., 1983 and Williams v. City of Dallas, No. 3-88-1152-R (N.D. Tex., March 28, 1990, liability) (Feb. 1,4,5 and 27, 1991, remedy); San Antonio adopted a single member district plan after a Section 5 objection to annexations (April 2, 1976), while Houston

adopted a mixed plan after a Section 5 objection to annexations (June 11, 1979).

19. All of these cities are parts of majority Hispanic or black Congressional Districts 16, 18, 20, 23, 27, 28, 29, and 30.

20. The new Congressional Districts--29 (wholly within a part of Houston and Harris County) and 30 (primarily formed in the City and County of Dallas) are contained in jurisdictions which have a recent history of judicial findings or administrative determinations of voting rights violations.

Population Growth and the Location of New Congressional Districts

21. According to the 1990 Census of Population, the State of Texas has a total population of 16,986,510 persons. The State grew by 2,757,319 persons (19.4%) over the ten year period 1980-1990. Of the 1990 population, 10,291,680 were white or Anglo (60.68): 2,021,632 (11.9%) were black or African American; and, 4,339,905 (25.68) were Hispanic. "Other"--Asians, Pacific Islands, and others--accounted for the remainder.

22. While the growth rate of Texas as a whole was 19.4% over the decade, the growth rates of the Hispanic population was 45.4%; black population growth was 19.5%, while the white or Anglo growth rate was 10.1% (see Attachment E--"Population Growth Between 1980 and 1990 in Texas and Select Urban Counties").

23. In the document "Narrative of Voting Rights Act Considerations in Affected Districts" (September, 1991), the Texas Congressional Redistricting Staff state that the historical and anticipated population growth patterns within different geographic regions and counties of the State were

important considerations in the location of the new Congressional Districts 28, 29, and 30.

24. On examination of Attachment E, "Population Growth Between 1980 and 1990 in Texas and Select Urban Counties," reveals that the three large South Texas Counties--Bexar, Cameron, and Hidalgo-increased in population by 347,303 persons; combined with the population growth in the remaining rural counties south and west of Bexar, the heavily Hispanic region increased in population sufficient to add another congressional district. New Congressional District 28, composed primarily of Bexar County population (359,046 persons from Bexar in the CD 28), was added to the south Texas region (see also attachment F--"1990 Population by Race and Ethnic Origin: Texas and Select Urban Counties").

25. The location of new CD 28 in the northern portion of the south Texas region was partly determined by the historical north-south configuration of Congressional Districts 15 and 27 required by a Section 5 objection, upheld in a District Court and Supreme Court ruling, concerning a "packed" east-west configuration of Congressional Districts 15 and 27 adopted during the 1981 reapportionment (see Letter of Objection, January 29, 1982, as well as Seamon v. Upham, 536 F. Supp. 931 (1982) and Upham v. Seamon et al., 456 U.S. 37, 71 L.Ed. 2d 725 (1982).

26. The population growth of Harris County (408,652 persons, 17.0%) during the decode 1980-1990 influenced the Legislature's decision to include new CD 29 wholly within a portion of that County. The remarkable growth rate of the Hispanic population in Harris County, an increase of 275,858 persons for a total population of 644,935 by 1990 (a 74.7% increase), was an important consideration in drawing a new Hispanic majority Congressional District in Harris County (see Attachment E for the population growth rate in Harris

County). The total Hispanic population of 644,935 exceeded significantly the ideal population of a congressional district in Texas (566,217).

27. Population growth rates during the decade in Dallas and Tarrant Counties provide an important consideration in the location of new CD 30 in Dallas, Tarrant, and Collin Counties. Attachment E demonstrates that Dallas and Tarrant grew by 605,643 persons--a population which exceeds the ideal population of a congressional district.

Conclusion

28. This survey of judicial findings and administrative determinations under Section 5 of the VRA reveals a historically ensconced pattern of voting rights violations contained on statutes, procedures, and actions undertaken by the State or its political subdivisions. The survey focuses primarily on the past twenty year period. The survey illustrates numerous judicial findings and Section 5 determinations in the regions, counties, and cities with significant minority populations. These judicial findings and determinations are not just "ancient" history. For example, a Section 5 objection was made as recently as November, 1993 in Bexar County regarding the State's adoption of a proposal which abolished an elected board of directors of the Edwards Underground Water District, replacing the board, elected from a mixed plan which included single member districts, with an appointed board (see Letter of Objection, November 19, 1993).

29. Other recent examples of voting rights violations include the successful 1991 challenge in federal District Court to the manner of electing city council members in Dallas (Williams v. City of Dallas) and the United States Attorney General's 1991 Section 5 objection to the Texas Legislature's re-districting plan for the State House of Representatives. A

Section 5 objection to the House plan, passed in May, 1991, was interposed in November, 1991. Specifically, the plan was found to overconcentrate ("pack") Hispanic population in El Paso County, overconcentrate Hispanic population in Cameron and Hidalgo Counties, as well as adopt an east-west configuration of House districts in the south Texas counties immediately north of Cameron and Hidalgo Counties, overconcentrate Hispanic population in Bexar County House districts, and fragment the Hispanic population in Dallas County (see Letter of Objection, November 12, 1991).

30. In formulating the 1991 Congressional Redistricting Plan, the Texas Legislature was knowledgeable of the judicial findings and administrative determinations found in this survey. Outreach hearings were conducted throughout the State by the interim Senate Select Committee on Legislative Redistricting and by the House Redistricting Committee. The record of those hearings is replete with many of the voting rights findings and determinations contained in this report.

31. The Secretary of State of Texas receives copies of all Section 5 objections under the Voting Rights Act. The Attorney General of Texas defended the State in a number of cases which deal with the judicial findings and administrative determinations contained herein.

32. A number of the members of the Texas Legislature have served during the period of time covered by this report. Others, including Hispanic and black members of the Texas Legislature, initially gained election as a result of the early voting rights litigation (see Graves I and Graves II, for example).

33. As the Legislature's Congressional Redistricting Staff reports, population growth in the urban counties of south

Texas and Harris and Dallas Counties were important considerations in locating the new congressional districts in those areas. The increases in population in these areas were attributable to increased growth rates in the Hispanic population, and to a lesser degree, to the black populations of those areas.

34. The State of Texas has a lengthy historical and continuing record of voting rights violations against Hispanics and blacks through the decade of the Nineties. In fact, as the Congressional Redistricting plan of 1991 was being considered and adopted by the Legislature, a Section 5 objection was entered to parts of a redistricting plan passed by the Texas House of Representatives in late May, 1991.

Pursuant to 28 U.S.C. 1746, I, Dr. Charles L. Cotrell, declare under penalty of perjury that the foregoing Declaration is true and correct to the best of my knowledge, information and belief.

Government Exhibit 1092

Excerpts from Senate Committee of the Whole Hearing on Redistricting August 24, 1991

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SIBLEY : If I could harken back to some mathematics though, if you have two rural Congressional districts and you wanna get down to zero tolerance, it looks like it would only be necessary to split one county between 'em to reach that zero. Is that correct?

BIVINS : That's correct.

SIBLEY : So then any district that splits more than that would be done for other reasons, is that correct?

BIVINS : That's certainly my understanding Senator, yes sir.

SIBLEY : Thank you.

JOHNSON : Ah, Mr. President I can - - -

CHAIRMAN : Senator Johnson.

JOHNSON : - - - respond to much of what has been said. I think that one of the things that influences it is that the changing demographics in the state, there was the largest shift of population than ever before in the history of Texas. And it was in South Texas and urban areas. There are many other areas where there's much more space than people. And we happen to be in a great big state so it means that since we respect one person, one vote, with no deviation, we do have to travel a longer ways to get it. There - practically every city that is in more than one county was split. When I received the first draft from the Congressional delegation, several were. Many still are. And cities in the

urban areas, and the counties in the urban areas, are split very much. They're split to accommodate the Voters Rights Acts, accomply (sic) a goals, so that yes, districts be gerrymandered in order to maximize the minority vote. I think that the people that helped to put this map together know these areas, they have represented these areas, they know the complexion, they know the personalities, they know the communities of interest and they all had input, as everyone else could, because it worked right over there. Everything out in the open in the redistricting ah area. When I look at these maps I thank God for computers. I hope that we don't get down to houses on blocks, but we are down to blocks.

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Government Exhibit 1094

Excerpts from
Texas House of Representatives floor debates
August 21 & 25, 1994

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[141]
Excuse Mr. Ron Lewis because of important business on a motion representing Williamson.
Any objection?
Chair hears none. So ordered.
(ph) MR. SMITHEE: Members, thank you for that vote on the motion to table. This is so important to our area. This is something that the people in our area desperately want. It means a lot to our people, and I would just ask you to stay with us on this, because it doesn't hurt any other area of the State; it just affects our area. So thank you very much.
THE SPEAKER: The Chair recognizes Mr. Uher.
MR. UHER: Mr. Speaker and Members, when we attempted to draw this plan, we were looking at the State as a whole, we tried to recognize the value that each congressman has given to us. We have 27 congressmen, we have 30 new congressional seats.
Because of the flexibility that we had due to the fact that we had three additional seats, we

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were able to try to design districts that would recognize each incumbent and how that incumbent might be able to win in a district, having a reasonable chance to win in that district. In each of the new districts, we attempted to draw districts that would permit certain candidates who wanted to run to be elected from those new districts. So the flexibility has been built into the plan to recognize the overall contribution that each member of the delegation has provided.
But the amendment that has just been offered to us makes a very big difference as to how that is done. The difference that I see not only gives us at this point a change in West Texas, but it also may affect some of the other districts as it rolls out.
So therefore I ask that you give me a no vote on the final passage or on adoption of the amendment.
MR. CRADDICK: Mr. Speaker?
MR. SPEAKER: Mr. Craddick.
MR. CRADDICK: Will the gentleman yield?

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MR. COLBERT: You retrogress, and when you retrogress, you lose in court.
MR. REPP: But you are aware, aren't you, that it does improve the chances of a black --

MR. COLBERT: No, I'm not aware, because I haven't seen the numbers on it, Mr. Repp.

MR. REPP: Well, let me explain it to you again.

MR. COLBERT: No, I don't --

MR. REPP: The amendment as amended.

MR. COLBERT: Are you asking me a question? I've answered your question, Mr. Repp. I'm not aware.

MR. REPP: Well, I just made you aware of it. Thank you.

THE SPEAKER: The Chair recognizes Mr. Uher to speak in opposition.

MR. UHER: Mr. Speaker and Members, when you look at Mr. Craddick's plan, what you're looking at is a purely partisan plan; some have criticized the plan before us, a plan that we've debated all day, as not being partisan or as being too partisan.

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It's one of those animals that has had criticism from both sides.

The approach that we've tried to take with the plan that we've debated all day is to recognize a value that each congressman that we have contributes to the economy of this State and to your local area. And we've worked very hard.

I have met with almost every congressman that sits in Washington that represents all of us. And it's very important that we keep a congressional delegation that is effective and influential in Washington.

When I look at Mr. Craddick's plan, I recognize that it is a purely partisan plan, and I have no quarrel with that. That is his right as a member of this body. Well, let me tell you, if I want to be partisan in drawing the congressional plan, let me tell you what we could have done very easily.

I could have taken three Republican who represent the Houston area; Congressman DeLay, Congressman Archer and Congressman Fields. I could

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have paired those three, it would have been real easy to put them in a single district. I could have gone to the Metroplex and I could have put Mr. Barton, Mr. Armey, and Mr. Johnson in a single, Republican congressional district. I could have taken Mr. Smith in San Antonio and put him in a congressional district that he could not win or any other Republican can win. I could go to Lubbock and do the same thing to Mr. Combest, if I had wanted to draw a partisan plan.

We have avoided partisanship throughout this plan, and I know it hasn't satisfied some people, but he plan we have drawn reflects the value and the contributions that each of our congressman have given to this State over many years of dedicated service.

Because of that, I have to respectfully move to table Mr. Craddick's amendment.

THE SPEAKER: The Chair recognizes Mr. Craddick to close.

MR. CRADDICK: Mr. Speaker and Members, let me clear up a couple of things. First of all,

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have problems in the federal court, and I ask you to vote no.

MR. SPEAKER: The Chair recognizes Mr. Ogden to speak in opposition.

MR. OGDEN: Mr. Speaker, Members, if you needed another reason for limiting terms in Congress, this redistricting bill is it. This plan was drawn to protect incumbents. It will limit political competition and lock in a status quo that the overwhelming majority of Texans will tell you are dissatisfied with.

The people of my district worked tirelessly to express their desires before the House Redistricting Committee. Over 3,000 citizens, including both the Democratic and Republican county chairmen, expressed their desires as one of their highest priorities that Brazos County not be split. Yet, in order to protect an incumbent Dallas congressman and an incumbent Houston congressman, county lines were not respected, urban boundaries were not respected, precinct boundaries were not respected -- in fact, the only thing that doesn't

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appear to be split in my home town is households.

This sad story is repeated all over the

State. The people want reasonably drawn districts. This bill doesn't do this. The people want more choices at the ballot box. This bill won't give them any. The people want congressmen that won't have a guaranteed job for life. Once again, this bill ignores the clearly stated wishes of the people.

I urge you to cast a vote for the people that have elected us, and vote no on House Bill 1.

THE SPEAKER: The Chair recognizes Mr. Grusendorf to speak in opposition.

MR. GRUSENDORF: Mr. Speaker, Members, my good friend Tom Uher has indicated that this is a fair plan. I would like to respectfully disagree with Mr. Uher on that issue. In my opinion, fairness is in the eye of the beholder; so it depends on your perspective and where you're coming from, if this is a fair plan.

If you're a Democratic congressman, I think you would have to say that it's a fair plan

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because basically this is their plan, the plan that they've developed. If you're a mayor of a suburban community, I think you'd say that this is an unfair plan, because most likely, it splits your community.

If you're a Republican congressman, you probably say Well, it's a safe plan, but it's not a fair plan; because virtually every Republican precinct in the area has been put into your district.

If you have a constituency like mine which

is primarily Republican, you'd have to say that it's not a fair plan. A major part of the growth in this State in the last decade has been in the suburban areas of the State, in Republican areas. We added three congressional seats this year with the Census. We have now eight Republican congressman out of 27.

With the adoption of this plan, you will have 8 Republican congressman out of 30. That's de facto regression and provides for less Republican representation in Washington, D.C.

Communities throughout the State are surgically split in what appears to be illogical, irrational and erratic pattern. But if you look at

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election result data throughout the State, you'll find that these lines are very logical and very rational. The lines have been drawn, dissecting communities very creatively in order to pack Republicans and maximize Democratic representation.

Texas is a competitive State. Yet this plan, as Mr. Ogden indicated, provides for few competitive seats. Many of us have had amendments to offer today that would keep our communities together, but the downside is that it might change one or two percentage points in an incumbent's ability for reelection.

Well, I think they should have competitive seats, and whether or not you've got another percentage point or not should not be what's important. It has been said that the primary reason for the adoption or the drafting of this plan is to protect incumbents. I don't have a problem with

protecting incumbents; but I think protection should center around keeping their communities of interest together, keeping their congressional districts compact, and maintaining their current.

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constituencies, not packing one party or another in order to draw noncompetitive districts so that they've got sure reelection opportunities.

We find ourselves here today trying to enact a fair plan; and once again we find ourselves subjected to gross partisan inequities. The plan we're asked to vote on today bears no resemblance to the districts that have comprised long-standing communities of interest. The sixth congressional district, for example, which has been represented by Joe Barton, has existed in its present form since the old days of Tiger Tieg who, by the way, was a Democrat; and for those of you who are not up on your history, Tiger Tieg represented the 6th District from 1946 to 1978.

This community has focused together over the years and accomplished quite a bit and developed a community of interest throughout that congressional district. They brought together projects such as the Superconducting Supercollider in Ellis County, and they've helped to make Texas A&M a great national university.

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During the redistricting hearings, the

House Redistricting Committee had testimony from literally hundreds of people and petitions from literally thousands of people and the citizens of the 6th District urging us to retain their district intact. The extraordinary efforts of the citizens in the 6th District will have all been in vein if this plan that's before us today is enacted in that district, as it most assuredly proposes to do.

Similar to many of the people who urged this body not to split their counties between congressional districts. By adopting this plan, we thank you reason our backs on the pleas of the citizens of Montgomery County, Johnson County, Ellis County, Kaufman County, Williamson County, Denton County, Midland County, Lubbock County, Randall County, and also many communities such as the ones some of us have discussed here today, in Arlington and in Tarrant County.

In looking at the 6th Congressional District, the 6th Congressional District goes all the way to the county line in Tarrant County on the

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south side; the 6th Congressional District goes all the way to the county line on the north sides, goes all the way to the county line on the east side, and all the way to the county line on the west side.

But it moves around real creatively, around many other congressional districts, picking up the precincts, the vote predominantly Republican in Tarrant County. It's really a crafty

gerrymandering plan.

West Texas in particular suffers from blatant, partisan gerrymandering under this plan. We've heard some discussion of that already today.

It unnecessarily splits the cities of Midland, Odessa, Lubbock and Amarillo. Instead of drawing lines that reflect communities of interest throughout the state; instead of maintaining cities and counties intact, this plan splinters cities, counties and regions of Texas in order to achieve political ends unrelated to the fair and full representation of all Texans in Congress.

The meandering of districts in this plan reaches new heights of blatant gerrymandering. Many

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of the districts in this plan may be fairly referred to as uncouth, tortuous and bizarre. The idea of compactness has been totally abandoned and thrown out the window when it conflicts with partisan advantage. And some of the districts are contiguous only in the most technical sense.

In Tarrant County, for example, there's a very narrow, very narrow -- probably a city block wide going up for a couple of miles in order to connect one of the extremities of the 6th Congressional District with another. This plan has distant pockets of population connected by narrow strips of land, as I just explained; many citizens of Texas will scarcely be able to determine which districts they're located in. Members of Congress will no longer represent identifiable communities

but will rather represent small pockets of voters strong together to ensure their reelection.

Due to Texas' surging population, this State has been allotted three new congressional seats, as I indicated earlier, bringing the total number of the Texas delegation to 30. Yet at a time

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when participation in my party, the Republican Party, has reached an all time high in this century, this plan allows for no new Republican congressional seats.

This freezing of the number of Republican districts actually reduces the party's statewide share of the total number of districts. The plan does this by packing Republicans into a few districts, effectively minimizing the voting power of the large and growing portion of the State's population. This plan was drawn with only one third in mind, and that is to protect Democratic incumbents, period. It does not have to be this way, and I urge you to right thing and think about the citizens of this State and do what's fair and vote no on this plan.

THE SPEAKER: The Chair recognizes Mr. Uher.

MR. UHER: Mr. Speaker and Members, we've been here all afternoon, since early this morning. As I told you when we began, this plan attempts to meet federal standards that we need to meet. One

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Tape 10-B
Transcription from audiotape.

* * * *

[26]

counties on the north side of it, and the rest of it's on -- I thought I would put that in, and those people, at least think it's a community of interest also.

Thank you.

MR. THOMAS: Mr. Speaker.

THE SPEAKER: Mr. Thomas.

MR. THOMAS: Will the gentleman yield.

MR. CRAWFORD: I yield, Mr. Speaker.

THE SPEAKER: The gentleman yields, Mr. Thomas.

MR. THOMAS: Mr. Uher, when we were discussing your committee's plan before sending over to the Senate, I believe you made the comment that the plan was non-partisan that we sent over.

My question is, do you feel that you can say the same about this plan, with equal conviction in your voice?

MR UHER: I think it still maintains the non-partisanship the Senate has maintained about 80 to 85 percent of what we sent over there to them. I can't evaluate those changes as to whether or not it

[27]

makes the plan more partisan or less partisan.

I would guess --

MR. THOMAS: Would you still classify it as a non-partisan plan?

MR. UHER: Yes.

MR. THOMAS: Thank you, Mr. Uher.

THE SPEAKER: The chair recognizes Mr. Hill to speak in opposition.

MR. HILL: I reluctantly rise to speak against this plan, not for normal reasons but because I feel like I'm throwing my body in front of a train.

(Clanging of bells.)

[Laughter]

THE SPEAKER: Members, please. There will be no demonstration on the floor nor the gallery.

MR. HILL: I guess I better speak fast because I can hear it coming.

This plan -- and I'm looking at Dallas County's plan right now -- it looks like it was drawn on a Etch-a-Sketch.

I have no problem with the efforts that

[28]

have been here to provide minority districts where they can be drawn throughout this state. I think it's time that we have minority districts so that minorities can be elected to Congress.

Dallas County's plan, though, goes all across the county, from the southern part all the way to the northern part, and it uses the central expressway, which is Highway 75, as a corridor, to get all the way up to Plano, where it can pick up 1500 black voters; then it kind of hooks around and drops down into Garland.

That's in order to provide a certain

percentage of black voters for this particular plan.

The thing that I object to is that this plan totally ignores certain black precincts that where contiguous to the central and the core portion of the City of Dallas. Those precincts are ignored in the sense that they're not included in the minority plan.

Where they are included is in Democratic Congressman Martin Frost's district, and obviously they are there simply for the single purpose of

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assuring his re-election because those are democrat votes.

MR. ECKELS: Mr. Speaker.

MR. HILL: I would object --

THE SPEAKER: Mr. Eckels.

MR. ECKELS: Would the gentleman yield for a question?

MR. HILL: I'm going to be through here in just a second, Mr. Eckels.

MR. ECKELS: As I was looking --

THE SPEAKER: He hasn't yielded.

MR. HILL: I'll yield.

THE SPEAKER: He yields. He yields.

MR. ECKELS: Just a real brief question, Fred. As you're looking at the Dallas County plan -- and you're familiar with those neighborhoods, and we've looked at the Harris County plan -- what I'm trying to understand you're telling us is that it's not necessary to go to these lengths to preserve these minority percentages, that it can be done without having to draw these snakes going

out into the wilderness there.

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MR. HILL: Oh, it certainly can. If you or I, or any semi-intelligent person was working at this and had one objective and that was to draw a fair redistricting plan, none of this would have been necessary.

That's my objection to this plan, members. My community that I live in, if you live on the west side of town, you'll be represented by Dick Armey, who I consider a find congressmen.

If you live on the east side of town, you'll be represented by Sam Johnson, our former colleague, who I consider a fine congressman. If you live within 100 yards of Central Expressway, on either side of it, you'll be represented by a new congress person, yet to be named, but your total community will be divided between three congressional districts and is totally unnecessary.

It does not have to happen. It has nothing to do with fairness. It has nothing to do with minority representation because if we were really concerned about minority representation, we would have drawn this map in such a way that the

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minorities were considered and not simply to elect democrats.

Thank you very much.

THE SPEAKER: The chair recognizes Mr. Uher to close. I'm sorry. The chair recognizes Mr. Blair to speak on.

MR. BLAIR: Mr. Speaker, members, I'm

going to make mine very brief, but for the record let me just make a couple of points.

First of all, District 30, Dallas County; I'm from Dallas County; that is the district that we have worked very hard to try to make sure that we would create a district that and African-American could win.

I pushed very hard for at least 50 percent. It happened on the Senate side. We will be voting in support of it. But there are other areas of the State of Texas that we have not done as well for.

There will only be two African-American seats out of the entire 30 in the State of Texas. Now, while we might be supporting today this bill,

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we still will reserve the right if, in fact, there is another opportunity, another day, at another level to make a difference in enhancing minority representation, I must serve notice that we will be there to make sure that, first of all, our rights are protected, that our opportunities are enhanced, and if, in fact, that opportunity comes, we'll be there. But we will be supporting, this day, the efforts that we have put in to create the African-American district in the Dallas area.

Thank you.

THE SPEAKER: The chair recognizes Mr. Marchant.

MR. MARCHANT: Mr. Speaker, Members, I would like to speak in opposition to the plan today.

My little town of Coppell has 15,000 people in it, and I found out today the Senate bill

sent us back three congressmen. We'll be honored to have three congressmen if we can figure out who our congressmen is.

In North Dallas -- just the communities in North Dallas -- 15 suburban cities -- have at least

[33]

two, and sometimes three congressmen. I don't believe that the plan was drawn fairly, and I'm opposed to it.

Thank you.

THE SPEAKER: The chair recognizes Mr. Craddick to speak in opposition.

MR. CRADDICK: Mr. Speaker, Members, looking at this plan, I think it is an absolute disgrace to the people of this state and a slap in the face of the people of this state.

We spent thousands of dollars going across this state asking the people what they wanted. One of the main things they wanted, most people said, we don't care whether we're in District A, B, or C, but keep us together, keep our communities together; keep the communities together so that people will have voting strength and we can have an influence on whether or not we elect Mr. Jones or Mr. Smith, or whoever, to Congress.

We have totally done exact opposite of that. Why don't we go ask the people of this state?

Mr. Slagel has done a great job of doing

Lawson Defendant-Intervenor

Exhibit 14

Statement of Ted B. Lyon

from *Vera v. Richards*, heard in the United States District for the Southern District of Texas

Dated June 22, 1994

I, Ted B. Lyon, under penalty of perjury, state as follows:

1. I live in Rockwall County, Texas, in Ralph Hall's Congressional District, No. 4. I am an attorney, and my law office is in Mesquite, Texas, in Dallas County, in John Bryant's Congressional District, No. 5.

2. From 1979 to 1981, I served in the Texas House of Representatives. From 1981 to 1992, I represented Senate District 2 in the Texas State Senate. I was an active participant in the 1991 congressional redistricting process.

3. The State's number one concern in the 1991 redistricting was preservation of incumbent congressmen throughout the state, the vast majority of whom were white. I and a group of other state senators felt that it was imperative that the incumbents be protected. I particularly focused on Dallas area Congressmen Martin Frost and John Bryant, and to a lesser extent on Ralph Hall and Jim Chapman.

4. I stayed in constant contact with Congressmen Frost and Bryant and their staffs during the redistricting process. I also negotiated a great deal with then Senator Eddie Bernice Johnson and her staff. In fact, I had some real heated discussions, fights really, with Senator Johnson over population percentages and district lines. She won some, and I won some.

5. Although Eddie Bernice Johnson was the chair of the Senate Redistricting Committee that drew the

Congressional district lines, she did not have the votes to pass any plan she preferred. We had a coalition of votes, about 11 to 17 senators, who were concerned about protecting incumbents, not about what Congresswoman Johnson wanted. The State Senate has 31 members. Since two-thirds of the Senate has to vote to put any redistricting plan on the floor, she had to accommodate us--and that meant accommodating the incumbents--if she was to get a plan passed.

6. Population growth in the 1980s, which was greatest among minority groups, virtually dictated that the three new congressional districts in Texas be placed in Houston, Dallas, and South Texas. The group of 11 to 17 senators, as well as the members of the Legislature as a whole, concluded that the only way both to protect incumbents and satisfy the Voting Rights Act was to make the new districts majority-minority. The Legislature determined early in the process that it was possible to draw a reasonably compact majority African-American district in Dallas and reasonably compact Hispanic districts in Houston and South Texas. Once this had been decided, the shape of the new districts was determined by politics, not by race.

7. The group of senators I mentioned above simply was not going to let the incumbents be sacrificed by the creation of the new districts.

8. In focusing on the incumbent congressmen in the Dallas area, it became clear almost immediately that there would be a fight between Congressmen Frost and Bryant, on the one hand, and Senator Eddie Bernice Johnson, on the other, over the African-American voters who had previously resided in Districts 3 and 5. Frost and Bryant were not concerned about the race of these voters. They just wanted to hold onto enough Democrats to assure re-election. Senator Johnson was trying to take both minority and Democratic voters from what had previously been Districts 24 and 5 in order to construct a majority-black district that would satisfy the Voting Rights Act. Conflict arose, of

course, because Democratic populations and African-American populations are often the same. The redistricting process became a no holds barred political fight, and fangs were out.

9. For example, a great deal of fighting went on over Oak Cliff and other parts of West Dallas. Martin Frost wanted to keep those areas in his district, District 24; and he was particularly concerned about keeping Oak Cliff and Grand Prairie. Eddie Bernice Johnson wanted to draw those same areas into District 30. Eventually the areas were split between District 24 and District 30. If you look at this area on a map of the districts, you will see that it has an irregular shape. Incumbency protection is the only reason for that shape.

10. Grand Prairie is a predominately white, democratic community. Nonetheless, Johnson and Frost fought over it, split it between Districts 24 and 30, and increased the irregularity of their districts' shapes as a result.

11. Another area in which incumbency protection resulted in an irregular shape is East Dallas. John Bryant lives in Pleasant Grove in East Dallas and wanted that neighborhood kept in his district, District 5. We wanted to keep Congressman Bryant's seat a Dallas County seat because he lives there and has represented that area for many years. He has invested a lot of time, energy, and money in that area. People know him there. In a very early districting map drawn by Senator Johnson's staff, District 30 included Pleasant Grove and more of East Dallas than does the current plan. Those lines were changed to protect John Bryant. This made the District's shape more irregular to the east. Also, the fact that Congressmen Frost and Bryant insisted on populations from the south forced District 30 to shoot up to the north to regain the lost population. The irregular lines to the north would not have occurred but for the priority of incumbency protection, but the plan would not have passed if the incumbents had not been protected.

12. Had the redistricting priority been drawing an African-American district, the legislature could have passed a plan with a highly compact District 30. Districts 5, 24, and 30 would each have looked "prettier." Those of us who were working to protect the incumbents, however, did not allow that. Neither pretty districts nor compact districts are a priority in Texas, and they have not been since well before I was involved in districting, if ever.

13. In 1981, I focused more on redistricting of the Texas House than on congressional redistricting. Still, I was involved enough to say that incumbency protection spoiled the chance for a majority-minority district in Dallas in 1981.

14. Neither the intention of the legislature nor the effect of the redistricting was to segregate people by race. To suggest otherwise is ludicrous. I have never heard anyone in the State of Texas express the feeling that they were stigmatized or segregated by the 1991 congressional districts.

15. To me it is clear that this lawsuit is an effort by Republicans to gain more Republican congressional seats. In 1991, the Republican Party, both the Texas Party and the National Party, supported the creation of majority-minority districts because they thought it would make the surrounding districts better for Republicans. By avoiding packing and using some creative line-drawing, the Legislature was able to thwart the Republican strategy and satisfy the Voting Rights Act, while satisfying incumbents.

16. The Republicans are now using claims of reverse discrimination in an effort to obtain a partisan advantage. For example, the press reported about two weeks ago that Republican members of Congress are now raising funds for this lawsuit. At the time the districts were drawn, these same Republicans supported the creation of the maximum number of majority-minority districts. In fact, the Republicans sued the State in the Terrazas litigation claiming that the State had not created enough majority-minority districts.

17. Compactness is not a "traditional districting principle" in Texas. For the most part, the only traditional districting principles that have ever operated here are incumbency protection and partisan politics. There is no reason why the State should now have to draw compact majority-minority districts when it has shown no interest over the years in drawing compact majority-white districts.

Executed this *22nd* day of June 1994.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/

Ted B. Lyon

Lawson Defendant-Intervenor
Exhibit 15
Statement of Edward Martin
from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 22, 1994

I, Edward Martin, state under penalty of perjury, as follows:

1. My address is 8415 Bowling Green, Austin, Texas 78757. I was born and raised in Houston, where I lived until 1977. I worked for legislators and candidates from Harris County until I took my current job, on January 1, 1986. I have been Executive Director of the Texas Democratic Party since that date.

2. I was involved in the 1981 redistricting as Administrative Assistant to State Representative Paul Colbert. During the redistricting process, I actually worked as a "shared" employee, paid by several Harris County legislators to draw plans for the County and to work out agreements between various members. In 1981 to 1982, I worked with then Assistant Attorney General Rick Gray to provide technical support during the federal trial in connection with State Senate and House redistricting. Early in the 1983 legislative session, as an employee of Representative Colbert, I worked closely with Senator John Whitmire, the MALDEF plaintiffs, and the office of Attorney General Jim Mattox to develop a Harris County State Senate plan. That plan became known as the MALDEF Settlement Map and remained in effect until after the 1991 redistricting.

3. The Texas Democratic Party took a very active role in the 1991 redistricting process. Our role was to serve all our constituents, including both legislators and

grassroots Democratic constituencies. We drew maps, met with legislators and incumbents, and had quite a bit of say in how the final plan was configured.

4. Redistricting maps are not drawn in a vacuum. A range of public policy concerns are always at play. First, incumbency protection is an important public policy concern for two reasons. The Government runs on a seniority system. Incumbent congresspeople serve on committees and wield influence that takes time to develop and that grows stronger over their years in Congress. For example, Democratic Congressman Andrews of District 25 and Republican Congressman Bill Archer of District 7 serve on the House Ways and Means Committee. Their participation on that committee has helped Texas to secure funding for the NASA Space Center in southeastern Harris County and for the Superconducting Supercollider in Ellis County. Congressman Jack Brooks of District 9 was formerly the chair of the House Government Operations Committee and has a great deal of seniority and experience in connection with NASA. His district has included the NASA Space Center in southeast Harris County since the 1981 redistricting. Congressman Kika de la Garza of District 15 chairs the House Agriculture Committee, and his work has been important to furthering Texas' agricultural interests in Congress. The State had an extremely high interest in maintaining such representatives, regardless of their party affiliation.

5. Moreover, we believe that it is not our role to defeat someone with a pencil after voters have already chosen that person as their representative. For example, the small fingers joining District 18 and District 7 could easily have been drawn larger, thereby bringing more District 7 voters into District 18. But the voters in District 7 had chosen Congressman Archer as their representative, he had seniority, and the new lines protected him.

6. Although a congressperson is not required to live in the district he or she represents, it is commonly

viewed as a political necessity. Accordingly, the locations of incumbents' homes also affected the district lines. Bill Archer lives in a southern area of District 7 that juts into District 18. Mike Andrews lives in District 25, very close to the District 18 boundary. Joe Barton lives at the southern tip of District 6. Martin Frost lives in an area of District 24 that juts into the east side of District 30. John Bryant lives in an area of District 5 that juts into the west side of District 30.

7. Second, satisfying Section 2 and Section 5 of the Voting Rights Act is an important concern. As a southern state with a continuing history of minority discrimination, of which the legislature was aware, as a state subject to Section 5 of the Voting Rights Act, Texas must make sure that its redistricting gives its significant minority populations a chance to elect representatives of their choice.

8. Third, 76 votes are needed to pass a plan in the House (a majority) and 21 votes are needed in the Senate (two-thirds). Invariably, many legislators have political ambitions that inject self-interest into the redistricting process. In any redistricting, at least a handful of Texas legislators will attempt to draw districts that enable them to run for some higher office. The 1991 process was no different. Three of the state senators most involved in the congressional redistricting, Eddie Bernice Johnson, Frank Tejeda, and Gene Green, ran for Congress and were elected in the election following passage of the new map. A key member of the House Redistricting Committee, Roman Martinez, was also expected to run.

9. Fourth, a significant public policy concern is preservation of communities of interest. In the view of those most involved in the Texas redistricting process, communities of interest are groups of people that work, socialize, participate in political activity, and worship together. In urban areas, communities do not grow in neat geometric patterns. Therefore, geographic compactness and regularity of shape are not definitive urban districting concerns. In fact, drawing urban districts in circles or squares

will divide often people of common interests, not bring them together. The best urban districts are based on knowledge of the communities of interest in the area, not on concessions to aesthetics. As a result, we could not just look at a state map or any given plan to determine whether a district made sense. In addition to considering cities, counties, and towns, we had to consider the realities of communities that do not appear on maps. Communities do not appear on maps.

10. For example, in 1981, Congressional Districts 5 and 24 were divided by the Trinity River that flows through Dallas. Looking at a map, the use of a river to divide two districts may seem logical. In reality, the boundary divided a cohesive African-American community of interest virtually in half.

11. An understanding of communities of interest in Houston is indispensable to an understanding of the configurations of the Houston area districts. The absence of zoning restrictions in Houston has led to tremendous diversity in housing patterns. Today, the African-American community in Houston has three core areas. Running to the northwest of Downtown are the traditional black neighborhoods of Acres Homes and Studewood. Running to the northeast are the traditional black neighborhoods of the old Fifth Ward, such as Kashmere and areas up Homestead Road. To the south is the outgrowth of the old Third Ward. Both the 1981 and the 1991 congressional districting map included these core areas of the black community in District 18. Similarly, in both the 1981 and 1991 redistricting, the Hiram Clarke-South Post Oak community was united in District 25 across the Fort Bend County line.

12. Although their neighborhoods are not confined to a neat circle or square, the African Americans in Houston undeniably constitute a community of interest. They also share the same job and media markets, including media directed specifically to African Americans. Despite its shape, the African-American community in Houston is strong and cohesive. The configuration of District 18 reflects an

understanding of this community. District 18 also largely coincides with state and local majority-black districts.

13. Similarly, District 29 joins members of a community of interest. The Hispanic community in Houston has grown out in two directions, along major city streets and thoroughfares. District 29's northern wing, which tracks Airline Boulevard, includes a Hispanic community that has grown north from Downtown. Turning southeast, this community has expanded down Harrisburg Boulevard and the Gulf Freeway. District 29 also reaches due east, out along the ship channel, from the core Hispanic community around the Turning Basin.

14. During the redistricting process, state legislators Gene Green and Roman Martinez battled to some extent over the configuration of District 29. Green pulled District 29 north to his home territory. Martinez pulled it south to his support base. Their political battle resulted in a district whose boundaries really outline the Hispanic community in Houston. District 29 joins people of common socio-economic and ethnic backgrounds. Like the people of District 18, the people of District 29 work, play, and engage in politics together. Hispanic, Spanish-language media also serve the Hispanic community throughout District 29.

15. In contrast, the District 29 in the map that I understand has been drawn by Plaintiffs in connection with this case (Plan No. C676) mixes people of diverse backgrounds. The white population in that District 29, for example, would be far more likely to relate to the people in parts of Plan No. C676's District 7 than to the portions of the African-American and Hispanic communities that are lumped with them and included in that plan's District 29.

16. Likewise, the current District 25 crosses the county line from Harris into Fort Bend. By doing so, it captures the entirety of the Hiram Clarke-South Post Oak community in one district. Moreover, this community is in fact part of the City of Houston, which itself crosses the county line. To the people living in that area, the county line

is unimportant. Yet Plan No. C676 follows the county line on the map, thus ignoring the reality of life in the area, and consequently dividing a community that has been wholly in the same congressional and state districts for 12 years.

17. During the redistricting process, various maps were floated containing an additional African-American district. These districts looked like "strings of pearls" strung across the State. But they were not rejected based on their physical appearance. Rather, each proposal threatened various incumbents. In addition, many of these maps connected people in communities that do not regularly interact and do not share media or job markets, although they are of the same race.

18. In 1991, I met with Congressman Craig Washington to discuss the configuration of District 18. Congressman Washington suggested that we could draw a relatively simple district based on the shape of Senate District 13, a majority-black district. Such a district would have taken a large chunk out of District 25. Because the shape suggested would have put incumbent Mike Andrews at risk, we could not draw such a district. In drawing congressional districts within and around Harris County, the only way to protect all incumbents of both parties, draw two majority-minority districts, and get 76 votes in the House and 21 votes in the Senate was for one district to go through Downtown and the other to go around it.

19. Congressman Washington also requested that District 18 continue to include the largely gay community of Montrose. That community also wanted to remain in District 18 because Congressman Washington had been very supportive of it. Montrose is predominately white. The area was purposely included in District 18.

20. During the redistricting process, Congressman Washington was treated like any other incumbent. He was given a district that offered a reasonable opportunity for his re election. In drawing District 18, race was considered along

with other voting patterns as was necessary to protect the incumbent and to avoid retrogression.

21. Except as considered under the Voting Rights Act, race was irrelevant to the drawing of a Texas Congressional redistricting map.

Executed this *22nd* of June 1994.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/
Edward Martin

Lawson Defendant-Intervenor
Exhibit 17
Statement of Jesse D. Oliver
from *Vera v. Richards*, heard in the United States District court for the Southern District of Texas

Dated June 23, 1994

I, Jesse D. Oliver, under penalty of perjury, state as follows:

1. I live and work in Dallas, Texas, in Congressional District 30. My address is 1717 Main Street - PB49, Dallas, Texas 75201. I am a lawyer and an African-American.
2. From 1983 through 1986, I served in the Texas House of Representatives. I represented a majority-minority district, District 111, in the Oak Cliff area of southeast and southwest Dallas. In 1986, I ran in the Democratic Party primary for the State Senate against two other African Americans, Eddie Bernice Johnson and Jesse Jones. Eddie Bernice Johnson defeated me in the run-off election, thereby becoming the first African-American State Senator from Dallas County and only the third African-American to serve in the State Senate since the Reconstruction era.
3. House District 111 is the successor to District 33-O, which was created as a majority-minority district in the early seventies as a result of redistricting lawsuits. District 111 continues to be a majority-minority district today. Prior to the creation of majority-minority House Districts in Dallas County, elected officials were rarely seen in the minority community and rarely sought input from minority residents. African-Americans had little if any input into the state or local governing process. When I first took

office as a representative in 1983, the minority community was still largely surprised to see elected officials (their representatives) in their neighborhoods, greeting them on the streets and shopping at their neighborhood stores. At that time, my constituents were still learning exactly what the role of a legislator was, and what I could do to impact their every day lives. When people would see me in the community, accessible to them, asking them questions, asking for their opinions, they would invariably ask me why wasn't I in Austin. They were unaware that a legislator, a representative, relies on constituent input. The creation of the majority-minority House Districts helped to afford them an opportunity to understand that they, "the people," had a role to play in government. That, through their elected representatives, they could have an impact on the laws under which they lived. Although history and experience had taught them to be skeptical, majority-minority districts afforded them the opportunity to elect representatives who were aware of and sympathetic to their needs and points of view, and also taught them that government can work for them.

4. During my tenure in the Legislature, I witnessed the raising of issues of concern and importance to African-Americans which had not been heard in the State Capitol since the last African-American legislator left the Legislature around the turn of the century.

5. In 1986, I was appointed by the Governor to fill the last two years of an unexpired term as Judge of the 95th Judicial District Court of Texas. I served as a district judge for two years, and then ran for that position in the next election. I was unopposed in the primary. Joe B. Brown a white male who had run as a Democrat and lost at least one election for a district

judgeship about eight years earlier, ran as a Republican in the general election. In response to a newspaper writer's question as to why he was running against me, since he had already stated that he thought I had done an excellent job as a judge and that he did not believe he could do better, he replied, "Some Republican is going to beat him and it might as well be me." The election was at-large, and I lost by one or two percentage points.

6. From 1988 through 1990, I worked as general counsel for the Texas Department of Agriculture in Austin. In January 1991, I was appointed Deputy Attorney General where I served until 1992. In 1992, I returned to Dallas to the private practice of law, and filed as a candidate for the State Senate seat being vacated by Eddie Bernice Johnson. The other candidates in that election were Royce West and Gerald Larry, both African-Americans. Royce West won the primary election and presently serves as a state senator.

7. Since July 1993, I have served on the Dallas Area Rapid Transit Board of Directors. I was nominated to the Board by City Councilwoman Sandra Crenshaw, an African-American, and appointed by the Dallas City Council.

8. In or about 1984, DART began the process of building a light rail transit system, and expanding bus transit service in its service area. Attached hereto as Exhibit A is a true and correct copy of a map entitled LRT Starter System and North Central Extension. This map was created by the DART CADD Department and shows an overlay of the planned light rail system on the area's congressional districts.

9. Attached hereto as Exhibit B is a true and correct copy of a map entitled Bus Routes & Facilities. This map was also created by the DART CADD

Department and shows an overlay of the planned light rail system on the area's congressional districts.

10. The maps identified as Exhibits A and B make clear that the DART service area is predominantly Congressional District 30. Looking at Exhibit A, the DART light rail system appears to be the skeleton of District 30. Looking at Exhibit B the DART bus routes appear to be the veins and arteries of District 30.

11. The close relationship between District 30 and the DART service area is a logical one. The light rail starter system was designed to serve transit-dependent people; and those people are usually low to moderate income workers, who most often are minorities. District 30 includes this same community of people.

12. According to the 1990 Census, the DART service area encompasses an estimated population in excess of 2.1 million people. Thirty-eight percent (720,310) of the service area population is minority. Much of the service area is composed of minority transit routes, not only due to the relatively wide dispersal of minority residents throughout the service area, but also due to the federal definitions of what constitutes a minority route. Of all the DART bus routes, 94 serve areas identified as minority, and 31 serve non-minority areas. There are 332 individual bus passenger shelters located throughout the DART service area, of which 255 are located along routes serving minority areas. The placement of passenger shelters within the DART Service Area was accomplished primarily through satisfaction of one or more of the following criteria:

i. History of a particular existing bus stop having fifty (50) or more passenger boardings per day;

ii. Location of a Park & Ride facility or temporary transit center;

iii. Replacement of existing bus passenger shelters, which have reached the end of their useful lifetime.

These criteria, while not defined in terms of geographic allocation, have resulted in the distribution of bus passenger shelters throughout the DART service area.

13. DART is a governmental entity, created and governed by State law. It is funded primarily by a one cent locally imposed sales tax supplemented by federal funds. The map identified as Exhibit A was created by DART because the support of elected officials is crucial to the success of DART and its light rail project. Indeed, without the appropriation of federal funds for the light rail system, DART would have no rail plan. Therefore, enlisting the support of congressional representatives is important. Further, DART shares constituents with the elected officials and it is important that DART know where and with whom it shares such constituents and how its projects impact on them. The map shows who the relevant representatives are and their relationship to DART's service area. Without a doubt, the drawing of District 30 brought together, into one district, the voters most affected by DART's light rail project. To fully comprehend the political nature of DART and its light rail project would require a lengthy narrative, therefore I will try to conceptualize it by saying that DART was born in political and social controversy, and it continues to exist in such controversy today.

14. Since becoming the congressional representative from District 30, Eddie Bernice Johnson has been particularly supportive of DART funding requests in the Congress. Her efforts in Congress have caused DART to receive continued assurances of requested

levels of federal funding for DART's light rail system, as well as its other transportation projects. DART's Draft FY1995 Financial Plan assumes federal funding will provide 35% of the money required for DART's capital projects in the first five years of the plan. At present, DART has four grant applications pending for federal funding assistance totaling in excess of $100 million.

15. Continued receipt of federal funding is especially important for the light rail's Oak Cliff line, which runs south from Downtown Dallas. Federal funds are the primary source of funding for the southern segments of the light rail system, whereas local sales tax revenues are the primary source of funding for the northern segment.

16. Due to political pressures, DART had to expend many tens of millions of dollars to build a tunnel for a segment of its light rail system rather than go through a wealthy neighborhood, even though DART owned the railroad right-of-way which had been used for freight trains. On another segment, DART had to abandon its intent to provide service to one of its eastern suburban member cities through another railroad right-of-way it owns. The inability to use this right-of-way, on which freight trains continue to operate, will cost untold millions of dollars for an alternate route, and has delayed service to a member city until well after the turn of the century. Federal regulations now expressly prohibit DART from using this right-of-way for light rail service. The commonality between these two right-of-ways is that the neighborhoods through which they run are affluent and influential, and they believed that the light-rail system would bring an undesirable element into their neighborhoods.

17. Today, opposition to light rail continues to exists in the non-minority portions of Dallas and its suburban

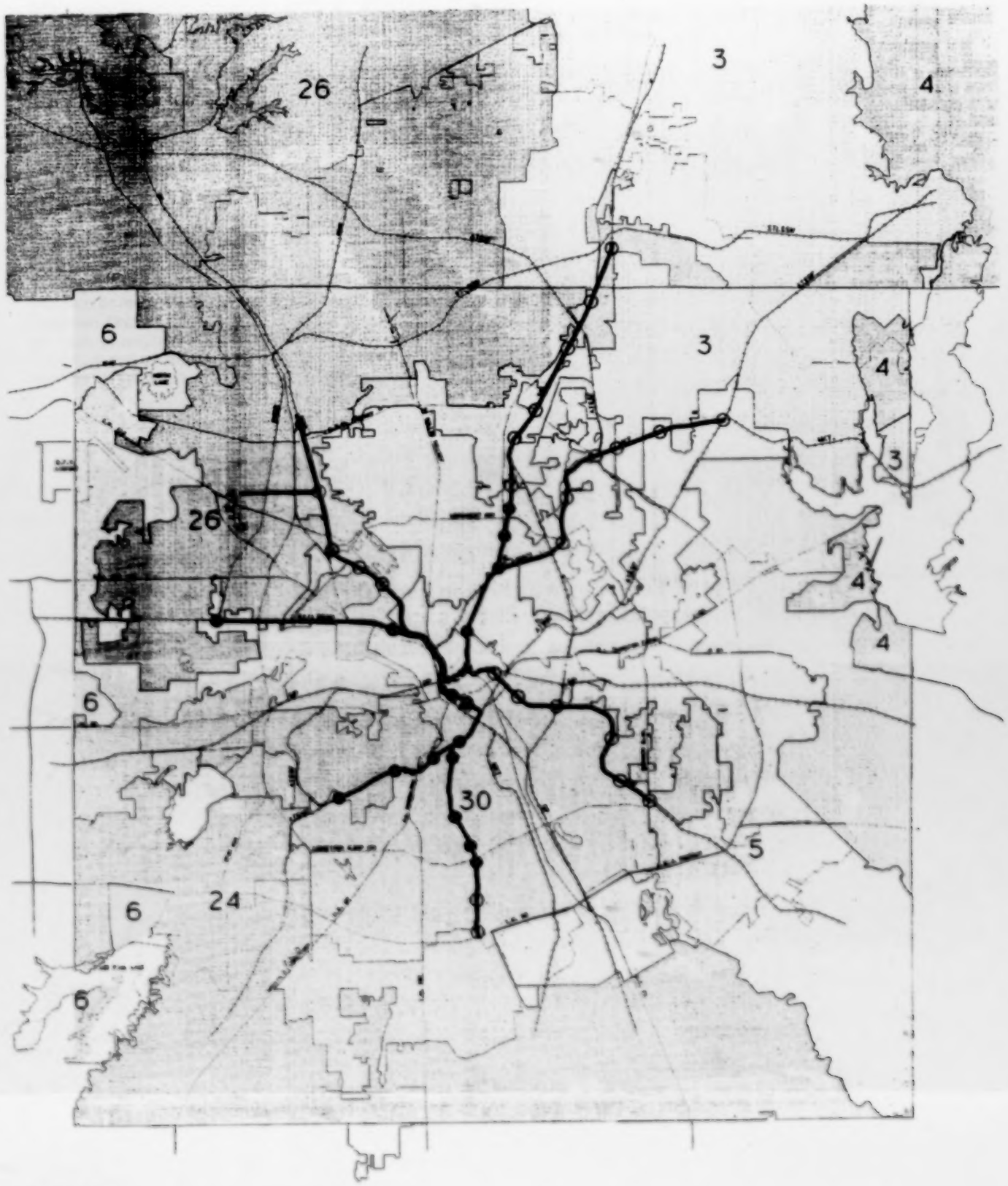
areas. That population continues to advocate for spending tax money to expand freeways and build HOV lanes in the northern areas, rather than to build a light rail system that connects them with South Dallas and Downtown Dallas. Highways make undeveloped land accessible and therefore ripe for development. In contrast, the light rail starter will travel through developed land -- except in the most southern part of Dallas. Because the northern suburban population has historically shown little interest in developing South Dallas, and because those suburban residents generally are not transit dependent, the system is not seen as useful by that population. This opposition is short-sighted, for the development of inner-city Dallas will benefit the metropolitan area as a whole.

Executed this *23rd* day of June 1994.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

/s/
Jesse D. Oliver

LRT STARTER SYSTEM
AND NORTH CENTRAL EXTENSION



LEGEND:

- STARTER SYSTEM LIGHT RAIL ALIGNMENTS
- FUTURE LIGHT RAIL EXTENSIONS
- COMMUTER RAIL - PHASE ONE
- NORTH CENTRAL LRT EXTENSION
- ● RAIL STATIONS UNDER DEVELOPMENT
- ○ RAIL STATIONS TO BE LOCATED

3	SAM JOHNSON	5	JOHN BRYANT	24	MARTIN FROST	30	EDDIE BERNICE JOHNSON
4	RALPH HALL	6	JOE BARTON	26	DICK ARMEY		

DRAWN BY DART CADD DEPARTMENT

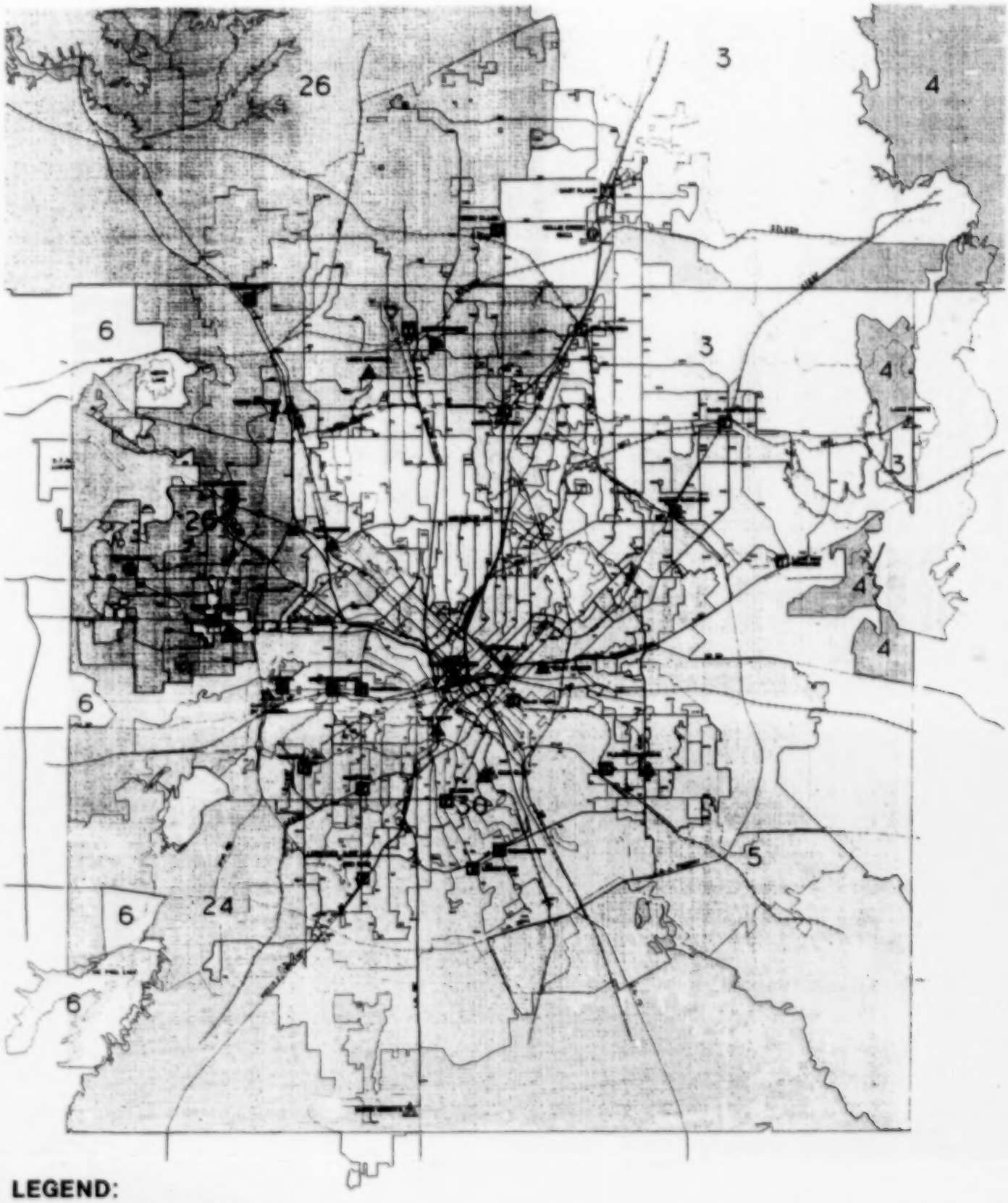
CAES

DART

406
Lawson Exhibit 17
Attachment A

— EXHIBIT A TO STATEMENT OF OLIVER —

BUS ROUTES & FACILITIES



LEGEND:

- EXISTING TRANSIT CENTER
- FUTURE TRANSIT CENTER
- EXISTING PARK & RIDE
- FUTURE PARK & RIDE
- EXISTING OPERATING FACILITY
- FUTURE OPERATING FACILITY
- EXISTING PULSE POINT
- FUTURE PASSENGER TRANSFER LOCATION

3	SAM JOHNSON	5	JOHN BRYANT	24	MARTIN FROST	30	EDDIE BERNICE JOHNSON
4	RALPH HALL	6	JOE BARTON	26	DICK ARMEY		

DRAWN BY DART CADD DEPARTMENT

CABS

DART

407
Lawson Exhibit 17
Attachment B

— EXHIBIT B TO STATEMENT OF OLIVER —

Statement of Facts Hearing on Plaintiffs' Request for Preliminary Injunction and Implementation of Interim Plan from *Terrazas v. Slagle*, heard in the United States District Court for the Western District of Texas

Excerpts from Testimony of Fred Blair, State Rep. Roman Martinez and Eddie Bernice Johnson

Dated December 12, 1991

Testimony of Fred Blair

* * * *

[93]

DIRECT EXAMINATION

BY MR. HICKS:

Q For the record, would you please state your name and where you live?

A My name is Fred Blair, and I live in Dallas, Texas, State Representative from District 110.

Q How long have you been a State Representative?

A I was elected in 1986.

Q Were you in the Legislature when this last round of redistricting occurred?

A I was not.

Q You were not. This time?

A Oh, I'm sorry. Not in 1980 I wasn't. In 1990, yes, and 1991.

* * * *

[106]

Q Now I'd like to turn your attention to Congressional redistricting.
A Sure.
Q First, were you involved in the redistricting process -- intimately involved in the redistricting process insofar as the Dallas and Tarrant County area is concerned in the drafting

[107]

of HB1?
A Yes, I was.
Q As I understand it, HB1 is the Congressional Redistricting Plan for Texas. Has it been precleared by the Justice Department?
A That is my understanding.
Q Now, I'd like to turn your attention to District 30 under HB1.
A Sure.
Q Are you familiar -- are you familiar with that district?
A Yes, I am.
Q I guess I need to step back. I'm rushing through this. Did you testify about what kind of role you played in the House in the Congressional redistricting?
A Yes. Let me just tell you my role in the Congressional District 30 or in the whole Congressional scheme. It was presented or introduced in the Senate by Senator Johnson who held extensive hearings and worked in the community. Secondly, I was the House sponsor of that motion in the Congressional Redistricting

Plan.
Q Thank you. Turning your attention now to District

[108]

30--
A Yes.
Q -- under the House Plan -- I mean the past plan, rather, of the State, do you have a view about whether that district is a safe Black district?
A Are we speaking of District 30?
Q District 30, yes.
A Yes, I do.
Q What's your view?
A Well, I think, given how it was crafted, it was crafted in a manner that we sought to pick up those precincts, those communities, those areas that we thought were stable areas that would present an opportunity to elect an African-American.

As you know, we held extensive hearings. We had hearings back in our community.

That community itself -- when I say "our community," I'm speaking of the Black community.

They wanted nothing less than a 50 percent Congressional district. As a matter of fact, we have testimony to that effect. We had those who came to our hearings here in Austin who testified to that effect.

But the real -- I think the

[109]

real point that I need to make here is that, in

looking at developing a Congressional Plan, we wanted to find those areas that we thought were stable areas. Homeowners were very important to us. We wanted to make sure we included a significant number of those within a district because just to lump in African-Americans and say we have an African-American district that may have a number of apartments where there is a lot of movement going on, we thought we had to be very sure, very careful, in drawing lines so that we could create a district that we thought was winnable with a 50 percent.

If you got 65 percent, better. But, with a 50-percent district, at least we thought we had created the best opportunity that we could to elect African-Americans to congress.

Q Now, you're familiar with the shape of District 30?

A Yes.

Q Does this effort that you just described to try to find stable areas of Black voters, stable areas of Black population -- does that have anything to do with the less-than-perfect-circle or perfect-square configuration of District 30?

[110]

A Absolutely. If we could just draw the entire Dallas County into one district, then I would think we would minimize and reduce the percentage.

But we created a district that we thought, under the circumstances, that would give us the strongest district.

Not only that. We had to look at another factor. We wanted to make sure that the districts that were left, the African-Americans that were not included in District 30, would be a district that they would have a significant impact upon who was going to be elected.

As you know, not only must we create districts where an African-American can win, but when we have more than enough, if we're not packing districts, we have to make sure that the districts that are left are impact districts in which we can have a significant influence or impact upon who is going to be elected where our votes will really count. And that's what we did with the districts that are left that are drawn around those districts.

Testimony of State Rep. Roman Martinez

* * * *

[123]

Q. Would you state you name, please, sir?
A. My name is Roman Martinez.
Q. Are you currently an elected member serving the Texas Houston of Representatives?
A. Yes, sire. I'm the State Representative from District 148 in Harris County.
Q. And for how long have you been a State Representative?
A. I'm on my fifth term.
Q. And are you a member of the Mexican-American Legislative Caucus?
A. Yes, I am the vice-chairman.
Q. And are you indeed a Mexican-American citizen?
A. Yes, I am, all my life.
Q. Were you involved in the redistricting -- you're going to offer testimony both on the House, Senate and Congressional redistricting as offered by the State to this court; are you not?
A. Correct.

* * * *

[125]

Q Now, the -- there has been a fair amount of testimony about the fact that there are several

[126]

VTDs cut in the process of drawing lines, whether they be House, Senate or Congress. In the drawing of the Harris County House lines, did you, in fact, have to cut VTD lines?

A We did. We cut a lot of VTD lines, the reason being was that, first, the technology allowed us to do so becaue we had the data available. Secondly, I felt that it was more important and I stressed to the Redistricting Committee and then to the House of Representatives that Harris County, particularly in the past precincts and a lot of times VTDs, were based on precincts. Precincts in Harris County have never been based on Hispanic populations. They've been based on Black and Anglo populations. So, it was very necessary to go into the block level to be able to cut in and bring in Hispanic neighborhoods in order to maximize Hispanic Representation, really, at all levels, both the House, Senate and Congressional.

* * * *

[134]

Q. Next, let me turn your attention to the U.S. Congress. Were you involved in the drafting of the lines for the United States Congressional seats in and around Harris County?
A. Yes, I was. I pretty much was also the architect of the lines for the Harris County area.

Q. And, if -- if you will, tell us what the -- what process you followed, what were your goals and what were you trying to accomplish?
A. Again, the first goal was to assure no retrogression for the 18th Congressional District, insuring that that was maintained as an African-American district. And then, secondly, it was a very important goal as a Hispanic representative to insure that we created for the first time a Congressional seat for the Hispanic community to elect the first Hispanic Congressman.

[135]
Q. And, in you opinion, does the House Bill 1, which, I believe, is the Congressional Plan -- does it provide an opportunity for a Hispanic Texan to be elected to the U.S. Congress for the first time from Harris County?
A. I believe it does.
Q. And do you have an opinion as to whether or not the Congressional lines as drawn on House Bill 1, first, as to Harris County, are fair to minority Texans?
A. Can you repeat that?
Q. Sure. Do you believe that the Congressional lines as draw --
A. For the whole state?
Q. Well, first, as to Harris County are fair to minority citizens residing in and about Harris County?

A. Oh, yes. As I mentioned, I was the one that was the architect for that plan and I believe that we made all assurances to make sure that the Hispanics were maximized in -- in that district and, also, Blacks in the 18th.
Q. Likewise, on a statewide basis on the Congressional Plan, do you have an opinion as to whether or not the Congressional lines, as drawn

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statewide, are fair to minority Texans?
A. Definitely.
Q. Have you had any opportunity to review the plans offered by the Republican Party as it pertains to the U.S. Congressional lines?
A. Yes, I have.
Q. Have you reviewed the State Plan versus the Republican Party Plan in Harris County?
A. Yes, I have.
Q. And briefly tell us what that review shows.
A. I feel that the district has created a so-called Hispanic district for Harris county and would not be able to elect a member of the Hispanic community to Congress because, again, it falls short in terms of percentages.
Q. By that, are you saying that the district that is offered by the Republican Party in their plan as a district that would elect a Hispanic member to the U.S. Congress, in fact, will not do so?
A. It would not.

Q. And does that mean that the Mena Plan -- excuse me, the State Plan for Congressional redistricting, in your opinion, will provide a Hispanic member to the U.S. Congress from Harris County while the Republican Party Plan will not?

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A. Definitely. And let -- let me expound on that a little bit. Again, for the Congressional Plan we did allot block cuts and we brought the Congressional district up over 60 percent in terms of Hispanic population. That's very, very important in Harris County because of our registration levels.

We needed to insure that we had a certain percent of population to make our community feel the momentum enough that we would be able to elect a Hispanic and the Republican Plan does not get up to the percentages at all that we would need.

Q. And, likewise, have you had an opportunity to compare the Congressional Plan of the State on a statewide basis compared with the Republican Party Plan on a statewide basis such that you could offer an opinion as to which of those two plans you believe is more fair or the most fair to minority Texans?

A. Yes, I have. And, again, I do believe that we in the Legislature wanted to insure that definitely the three new Congressional districts that Texas

was gaining were going to be -- were going to elect minorities and our main emphasis was to try

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to make sure that the Hispanic distirct in Harris County was going to elect a Hispanic and that the Black district in Dallas was going to elect one. And I think that the plan that we passed in the Legislature does that, while the plan that the Republicans drew up would not elect a Hispanic in Harris County and would not elect a Black in Dallas County.

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[139]

Good morning, Mr. Martinez. I'm John McCamish for the Texas Fair Redistricting Committee. I'm going to ask you just a few questions. I understand, Mr. Martinez, that you're not going to run for your House seat again?

A. Excuse me?

Q. I understand that you're not running for re-election this time?

A. That's correct.

Q. All right, sir. What are you going to do, sir?

A. I'm contemplating right now running for United

[140]

States Congress or State Senate.

Q. All right. Which Congressional district would you contemplate running in, sir?
A. The 29th.

• • • •

[143]
Q. Thanks. Now, with regard to the House Plan, sir, here -- here again, did all -- did all the members of the Houston Delegation vote for -- all the minority members vote for the Harris County Plan?
A. I believe one did not.
Q. Is that Representative Wilson?
A. Yes.
Q. And he's a Black member of the Harris County Delegation; right?
A. That's correct.

[144]
Q. All right. Did all -- did all of the minority members of the House vote for HB1, the Congressional Plan?
A. I do not recall.
Q. I believe there was somebody -- where was Representative Edwards from?
A. He's from Harris County.
Q. Harris County. Did he vote against the Congressional Plan?
A. I'm not aware.
Q. Do you have any -- do you have any -- aware of any reason why he would be adverse to the -- to HB1, the Congressional Plan?

A. He never came and testified in the Committee as to objections, nor did he speak in front of the House on his objections, so I do not know -- I do not know why he would have voted for or against it.
Q. You never talked to him about that?
A. He never came and talked to me about his objections, no.
Q. Did you ever talk to Representative Wilson as to why he was adverse to the House Plan?
A. Representative Wilson and I worked closely together on redistricting, since he was a member of the committee.

[145]
Q. But, he voted against your plan; didn't he?
A. If I recall, yes.
Q. Do you know why?
A. I'm sure he had good reasons that he voted against it.
MR. MCCAMISH: No further questions.
Your Honor. Excuse me. I do have one more. I want to get the Congressional maps.
BY MR. MCCAMISH:
Q. This is Exhibit 83A. Representative Martinez, I'll represent to you this is Plaintiffs' Exhibit 83A for identification. It is the -- as you can see, HB1 from the Attorney General from the State of Texas.

A. Right.
Q. This is the map; can we agree on that?
A. That's correct.
Q. All right. Now, which Congressional district are you contemplating running in, sir?
A. District 29.
Q. And that would be this district right here (indicating)
A. That's correct.

[146]
Q. All right, sir. And it's -- let's see. Compared with the currect district then, it comes into the city and spreads out up here (indicating); is that right?
A. It's a district that tries to maximize Hispanic voting population in Harris County. It's a district that I created at 61 percent Hispanic, yes.
Q. All right. Are there any other Hispanic districts -- Congressional districts created by this map?
Q. No. There's an African-American district, the 18th, that's created at a 50-percent Black population.
Q. Currently held by Congressman Washington; right?
A. That's correct.
Q. All right. Did you take any Black voters out of his district?
A. We added Black voters to the district.
Q. Did you take any out?
A. Black voters?
Q. Yes.
A. Out of his district?
Q. Yeah.

A. No, did not.
MR. MCCAMISH: Okay. Thank you very much. We have no further questions.

[147]

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[155]
FURTHER CROSS-EXAMINATION
BY MR. MCCAMISH:
Q. I believe you said, Mr. Martinez, that no Blacks were taken out of Mr. Washington's district to create the Congressional district that you are contemplating running in. That's what you said; did you not?
A. Significant Black population.
Q. Did you take any Hispanics out of Mr. Washington's district?
A. Oh, definitely.
Q. How many did you take, sir?
A. I don't know the exact number. But when we first started out the process, Fred Washington's district was more Hispanic than Black.
Q. Okay. Now you've created a district that -- 29 is 71 percent Hispanic; is it not?
A. 61. 71 combined population, Hispanic and Black, but it's 61 percent Hispanic; is it not?
Q. I see. I'm beginning to understand my numbers

now. I take it, then, you took approximately 167
Hispanic voters out of the 18th district. Does that sound about right?
A. 167?
Q. 167,000.
A. I'm not sure what the actual number was.
Q. It's a fact --
A. But we had to take Hispanic population from the
18th to be able to create the Hispanic district.
That's correct. We took Hispanic populations from

[157]
pretty much every single Hispanic -- ever single
Congressional district in Harris County to create
this new Congressional district.
Q. And you took 20,000 Black voters out of 18, too;
didn't you?
A. I'm not real sure where they came from. But if you -- if you -- you know, I can assume that there
probably were some Black voters that were in the
18th that got placed in the 29th.
Q. Okay.
A. So, again -- again, we made very -- you know, it
was one of my goals to insure that we did not have
retrogression in the 18th -- and I'm pretty
confident we did not -- and that we created a

district where African-Americans have maximum
effort to insure that the 18th remains an
African-Americans district.
Q. Thank you, Mr. Martinez. I appreciate that. But,
then, when you told me when I was standing up here
the first time that you didn't take any Black
voters out of Mr. Washington's district, you were
wrong; weren't you?
A. Well, I mean, significant. There -- there -- not enough to retrogress.
Q. 20,000 is not significant?

[158]
A I don't believe so.
MR. MCCAMISH: Thank you.
MR. GRAY: I have nothing
MR. SIBLEY: Nothing further.

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Testimony of Eddie Bernice Johnson

* * * *

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DIRECT EXAMINATION

BY MR. RICHARDS:

Q Could you give us your full name, please?

A My name is Eddie Bernice Johnson -- Johnson.

Q And where do you live, Mrs. Johnson?

A I live in Dallas, Texas.

Q And you are a member of the Texas Senate; is that correct?

A I am a member of the Texas Senate.

Q When were you first elected to the Texas Legislature?

A In 1972, I was elected to the House.

Q And that was from the first single member districts that were created in Dallas County in 1972?

A That is correct.

Q And as we talked at lunch, the districts, I guess, were actually drawn by Dan Weiser; is that correct?

A That's correct.

Q You were elected to the Texas Senate in 1986; is that correct?

A Yes.

Q And became the first Black African-American to serve on the Texas Senate in Dallas; is that

[231]

correct?

A Yes.

Q What role did you play in the 1991 redistricting of the Texas Congressional seats? Did you have a role?

A My assigned title was Chair of the Subcommittee on Congressional Redistricting.

* * * *

Q As far as Dallas was concerned, was there one dominant or dominating goal, as far as Congressional redistricting?

A Yes. I had made a commitment to that Black community, that they would have a safe district, as had been mandated and expected for a number of years, and I did not intend to home without that.

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Q As far as you were concerned, was that your dominant role as far as Congressional redistricting?

A My goal in Congressional redistricting was to be sure that minorities had the maximum number of seats that they could have. I felt an obligation,

since I had that assignment at that time.
Q Were there -- Did you conduct Hearings, both in
Dallas and elsewhere, with respect to the development of Congressional Redistricting Plans?
A Yes; I did. And we took plans out. We went to
communities within the areas. And we had an open
office policy. I saw everyone, regardless of party or where they were from.
Q All right. With respect to a Dallas county -- the
Dallas County Congressional district which came
into being as Congressional District 30, that's
what now is, I guess, being characterized as the
Black dominated Congressional district in Dallas;
is that correct?
A Yes; that is correct.
Q What -- In attempting to create Congressional
District 30, as it appears in House Bill 1, what
were your principal goals in that district? I have put it up there on a map so you could see it

[233]
A Yes. We were attempting to be sure that is was,
indeed, a safe Black district.
We were looking not only at

what had been called a core Black community, but
the performance of those persons in that area and,
too, we were looking at the growth which we
followed. May I get up and view this map?
Q Sure. Yes. As a matter of fact, that would be --
May she get up? Is that away
from the mike? Would that be all right?
A This map, we take very seriously because what we
had to consider is the older core community had
substantially deteriorated in population, much
more so than what we had anticipated when we were
looking at the population prior to getting the
census data.
Q When you say they deteriorated, what do you mean
in that respect, Mrs. Johnson?
A Well, the populations had moved -- started to move
out; there were lot of boarded up houses. The
whole core of that area was moving out. There had
been a deterioration of about 40 to 45 to 50 percent in certain areas of voters in a 10 year
period.
In addition to that, there were

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a large number of persons there who were felons,
who could not vote. So, though they were over 18,
it substantially deteriorated their voting strength.
We then attempted to locate
where that population shifted to. And in attempting to trail that -- to trace that
population, we could see that it was moving outer
and around. It was going into the Grand Prairie
area and into the Pleasant Grove area. And then
there were pockets of persons who had lived here,
and then this was moved --

Q Who lived in the Black core district?

A -- who lived in the core district, and also in the
north end of Dallas County, into Collin County.
Those were performing voters who expressed a
desire to be in the minority district.
We especially had groups to
come and say that they had been in a cluster all
these years and never felt that they had representation, and requested to be in the district.

Q Well, to the extent then that we see fingers of
the yellowing district going off in the north --

north Dallas County, and even into southern Collin

[235]

County, I suppose, we are talking about these are
Black migration areas that you were attempting to
bring into the district; is that correct?

A That is correct.

Q Now, is it your testimony that, in fact, the people who lived in those communities, in the north part of Dallas County, requested to be placed in what was destined to be a Black Congressional area?

A. Yes. They were requesting to be in the safe Black
district.

Q An area I remember from my days in Dallas was
Hamilton Park, which has been a long time middle
class Black neighborhood in relatively far North
Dallas; is that one of the areas, for example, that --

A That is correct. And some of those residents had
started to move up Court Road and into the Collin
County area and over. So, we had lots of testimony from those persons.
And then since that time, I
have had lots of honor and lots of congratulatory
letters because they finally feel that they are
going to be in a district where they will be

represented by their views.

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Q Now, I think County Judge Jackson testified that your Congressional -- I believe he testified and perhaps he didn't -- that your Congressional District Plan, as he saw it, destroyed communities of interest in Dallas County. What is your comment to that, in terms of Congressional District 30? Do you see it as preserving the Black community of Dallas County?

A Yes. When we looked at the Law, the focus was on the individual voter. As a matter of fact, we saw in the Law where it prohibited using political subdivisions as a barrier.

What we looked at is individual voters and their protection. Their community of interest was going to be clustered with their own so they can feel free to elect someone of their choice.

We were looking at individual voters and their performance so that it could be safe.

It was clear by any research, any kind of historical, clear picture, that it was not really a correlation between the Black voters and, really, any other voter in Dallas County.

And, so, it was clear that the

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demand came from the community itself, that

they wanted a safe Black district without having to build coalitions. They feel that they had had to go through that, they couldn't elect their officials, and this time they wanted it. The anger had existed in that community now for a clear 10 years. They were making that very clear demand. There was no question about it.

Q Well, is it fair to say that the plan that emerged as Congressional District 30, as far as you see it, it was a direct response to the demand of the Black community in Dallas County?

A Yes.

Q You had a target, I believe, others have testified to and I guess we had earlier today, that the target was to ensure, what, that 50 percent Black voting age population? Was that -- was that -- what was the target, I guess I should ask you?

A Well, the target was to be sure that the district was at least 50 percent Black populated, with a substantial percentage of those over 18 years old, and were in a shape to vote. Because in the older, deteriorating neighborhoods, where many of the low income people are clustered, there were a large number of people over 18 that could not

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vote, that had their voters' rights removed.

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[241]

Q Were you here in the courtroom a moment ago when Mrs. Wyatt from the Republican Party testified that -- along the lines that your Congressional Plan in Dallas County dilutes Black votes in Dallas County? Did you hear that testimony?

A Yes; I did. But I don't agree with that. I don't know what her analysis is.

But I can tell you that we have analyzed this area many times, because I knew that for me to have to take it to the Senate floor and

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defend it against the people that have tarred me and feathered me, but I was too weak to run, there was no way that I could do that without knowing for sure what was there and why it was there.

Q Is it too -- is it premature to ask you whether you intend to run for Congress in this district? I'm not sure.

A I do indeed intend to run. Although, let me say to you that that has been introduced to me as an idea since 1974. It is not new, nor was this district for me.

And that was a battle I also had to fight. I kept clarifying -- I kept being told, "You don't need that many to win." Well, it was not for me. It was for the community. I will take my chances with the voters. But it was for that community, their input.

The first map that we unveiled

did not have that percentage of Blacks. The community demanded more. And that's why we went looking for more. And we were looking for voters who were voting.

Q And that looking for more Blacks and putting them in the district and putting in performing voters, that's what explains the configurations of the

[243]

Congressional District 30 in Dallas County; is that correct?

A Yes.

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Q Now, looking up here at your District 30, under House Bill 1 that we have just looked at, I believe it has a 50 percent total Black population and an a 47.1 percent voting age population. Does that sound right?

A Yes, sir. It sounds good to me.

Q All right.

A Well, you see, they brought me one that was 39 percent initially.

Q Uh-huh. And I believe that you had occasion to testify with regard to this Bill; did you not, in front of the Senate Committee?

A I did a lot of talking, Mr. McCamish.

Q And I think at one time you referred to this map as "bacteria."

A No, I didn't say it was bacteria. I said it

looked like bacteria growing. But that's just where we live.

Q All right. Now, was anything done in the course of the creation of this map, Mrs. Johnson, that you could tell us about, to aid Congressman Bryant or Congressman Frost? Or did this map just happen this way?

A I got beat up so many times because I wouldn't do anything but look out for Black voters.

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Q. Now, in fact, you gave up Black voters to vote Congressman Frost and Congressman Bryant; did you not? And this is what caused you to move as far north as you did?

A. We were looking for performing voters. We were looking for voters who vote.

Q. You wanted to give them the nonperforming ones; is that it?

A. We would rather not have those, if we had a choice.

Q. And so, you gave them to Congressman Frost and Congressman Bryant?

A. Well, whomever came in there and got them, they could have them, after we got the better ones.

Q. So, you sort of picked the ones you wanted; though?

A. Yes, sir.

Q. I see. Now, would it have been easier to create minority districts if you hadn't had to worry about all the incumbents?

A. Well, you know, I guess 20 years ago that would have been the case because all these performing voters would not have been as disbursed if we had had that district in place. But, you know, they moved around. So, we had to go pull them back

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together.

Q. I believe your answer to Congressman Bivins was -- and correct me if I'm wrong, was, "Oh, yes, and we would get 30 Democrats, too." Do you recall that?

A. And we would do what?

Q. If you didn't have to pay attention, if you really could just pay attention to incumbency and not have to worry about minority community?

A. You know, I might have said that because I say a lot of things in jest, just like Senator Bivins does.

Q. Uh-huh.

A. He called me Congresswoman today.

Q. All right. Now, let's turn our attention, if we could, and I don't have the map up here, but you recall the way the Congressional map is drawn over in Tarrant County?

A. Yes. I have it.

Q. All right. And did you participate in the drawing of those districts over there?
A. I participated some. But Representative Garfield Thompson had input. And we respected that. But I participated especially in attempting to bring that minority impact district together because I felt that we should prepare and allow for the

[250]
opportunity for that Hispanic growth.
Q. But isn't it a fact, Senator, that the map -- and this is HB1 now, the map that you supported, in fact, split both the African-American community and the Hispanic communities?
A. Well, it doesn't really split the communities. What it does is takes out two or three precincts And Representative Garfield Thompson came and asked me to agree to that. And he lives over there and it's his area, and the community -- the majority of the community people over there said it was okay. So, I respect that people know what their communities are like when they represent them.
Q. Your Honor, may I approach the Witness?
Senator Johnson, would you just help me along here? I'm going to read Senator Bivin's question, and I would like you to read the

first sentence of your answer, and we have got it all here in yellow.
A. Sure.
Q. All right. "Senator, in your map in Tarrant County, you are splitting both the African-American and the Hispanic communities in half. And this way, we put them together." What

[251]
was your answer?
A. "This is right, because that was the demand that was made by the speaker."
Q. Thank you.
A. You didn't let me finish.
Q. I just wanted to handle the yellow ones. I don't think there was anything else there that was particularly interesting.
Now, what did the Speaker -- the Speaker made a demand of some kind on you.
Would you tell us what that was?
A. He was wanting at least 75 percent of the population within Tarrant County to be within a district linked to a majority in Tarrant County. He said it didn't make any difference to him about the ethnic group. He was just looking out for Tarrant County population remaining together.
Q. And it's fair to say, you looked out for the Speaker?
A. No.
Q. Didn't you?
A. No; I did not. We were on opposite sides. We

finally made a little compromise because Garfield
Thompson came in. The Democrats did not think I
was very nice. And they didn't treat me nice.

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Q. One last question, Senator: I'm very, very curious. Which Republican Congressman said that
that 30th District that you drew was good?
A. They didn't comment on the 30th. They were talking about the one they got.
Q. Oh; the one they got?
A. Uh-huh.
Q. I see. And the ones --
A. As a matter of fact, I haven't heard any lately comments from them.
Q. Well, I don't think any of them ended up with less
than 70 percent Republican district; did they?
A. They seem to like them. I don't know what's in them.
Q. I bet they do.

* * * *

FURTHER CROSS-EXAMINATION

BY MR. SIBLEY:

Q Senator Johnson, how are you doing?
A Okay, fellow Wacoen.
Q Good to see you again.
I heard you say over and over
again during the course of this -- and by the way,
we served on that committee together. You were

the chairman of that committee -- you would say

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repeatedly, "If you can draw a minority district, you must draw a minority district."
A Excuse me?
Q You said over and over, "If you can draw a minority district, you must draw a minority district." Did I understand you to say that during the course of these deliberations?
A Yes, sir.
Q So, this then would be an outgrowth of that policy; is that correct?
A Yes, sir.
Q Now, I won't describe it as bacteria but you would
say then that this executes that legitimate State; interest. Is that correct?
A It -- it executes the interest of those voters.
See, in my judgment, the Voters
Rights Act protects voters -- not land, not boundaries -- other than the State line. It's not a residential requirement. It clearly states that it protects an individual voter.
Q Right.
A And gerrymandering is permitted, as long as it's
to enhance the enfranchisement of the minority voters. And in Texas, it covers both Hispanics and Blacks.

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Q So, gerrymandering to draw a minority district is
a legitimate State interest; is that correct?
A Yes, sir.

Q And you would say then that this carries out that
legitimate State interest; is that correct?
A Yes, sir.
Q Was this -- does the same principle apply to the drawing of Senate district lines? If you can draw
a minority district, you must? I mean, it's not a tricky question. I'm not trying to fool you.
A Well, yes. That's my interpretation of the Voters
Rights Act.
Q So, you would say that the same legitimate State
interest applies to the drawing of Senate districts, as it does to the drawing of Congressional districts?
A Yes, sir, except that there are a few rules of Law
that are different because of it -- the State laws govern the Senate seat, and the U. S. Constitution
Voters Rights Act governs the Congressional one.
Q So, did you draw this district?
A Which one?
Q The yellow, Number 30; did you draw that?
A 30, yes, sir. Yes, sir. I -- Well, along with my staff. Yes. I sat in the computer room and we

[255]

found those Blacks where we could and put them
together.
Q Are you happy with that district?
A Well, it accomplishes the purpose. And that's where they live. And they vote and they are

happy.
Q Are you happy with that district?
A Yes, sir. I can live with it.

* * * *

Appendix 1 of Plaintiffs' Memorandum in Opposition to the Motion for Continuance of the State Defendants, submitted May 18, 1994

Page 16 ROLL CALL Thursday, October 24, 1991

Gerrymander
Contest Winners

After a last-minute flurry of entries in our gerrymander contest for the weirdest-shaped 1992 districts, we've settled on three winners and two honorable mentions. First prize goes to A.J. Pate, a manufacturing company executive in Houston, Texas, who submitted the proposed 30th district of Texas. The second prize winner, who submitted a version of New Mexico's 3rd district, is Bruce Donisthorpe, an aide to Rep. Joe Skeen. And third prize went to Terry Schaff, a staffer on the Merchant Marine and Fisheries Committee, for his map of North Carolina's new 2nd district. All three receive a Rand McNally Illustrated World Atlas ($79.95 value).

Honorable mentions went to Martynas Ycus, a staffer to Rep. Jim McDermott, for his "yin-yang" entry of Texas's new 18th and 29th districts and John Hambel of the Energy and Commerce Committee for New York's proposed 17th district.

Excerpt from Deposition of Kenneth Powers
from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated April 26, 1994

* * * *

[40]

* * * *

17 Q. Did you follow the details of the politics of
18 the congressional redistricting effort in the State Capitol
19 when it was being done?
20 A. To a small degree. I think my -- when it was
21 happening, I wasn't as, I guess, politically involved or
22 aware as I am now. A lot of my knowledge I think has been
23 gained recently, but I remember. I remember especially when
24 they created the 29th Congressional District that that was
25 going to be Hispanic district; and I remember, at that

[41]

1 time, feeling that that was wrong.
2 Q. Because why?
3 A. Because, again, it's a separation based on race,
4 which I think is wrong.
5 Q. How did it separate? Did the people in the 29th
6 District -- they still live where they lived before it was a
7 district. Right?

8 A. Sure. But we've got some neighbors in the -
9 you know, where the borders -- the 29th and the 18th, it
10 literally goes from house to house, from block to block,
11 from one side of the street to the other side of the street,
12 because, you know, the person who lived there at the time of
13 the -- I don't know -- the census, I guess. I don't know
14 how they got their information, but if -- you know, if one
15 guy's name was Hernandez, he may have been put in a
16 different congressional district than the guy directly
17 across the street or even his next-door neighbor.
18 Q. And you think they did that kind of house by
19 house?
20 A. Yes, I do.
21 Q. By "they," I mean the Texas legislature?
22 A. Yes. Uh-huh. So it divided the community in
23 that sense.

* * * *

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* * * *

12 Q. Is this the first time you've ever been involved
13 in a redistricting kind of lawsuit?
14 A. Yes.
15 Q. What is it, in particular, peaked your interest
16 at this point, rather than sometime in the past?
17 A. I don't know. As I've said, I've gained a --
18 more of a political awareness. I knew when we were working
19 on -- in the congressional campaign and through my volunteer

work that something was wrong because when we'd -- people would call and ask for their voting locations, and you'd have to get down to the specific address of the person. You couldn't know, you know, what part of town they lived in or -- "Well, if you are south of this point and west of this point, then you are in this district."

[44]

We had to go specifically house by house; and, in some cases, the locations are done on an even and odd basis, you know, to me which is telling me one side of the street or the other. Just from that experience, I thought, "This isn't right." These are neighbors that are being -- you know, I felt that neighbors ought to be in the same congressional district, so I think when I started hearing people being shifted to new voting locations and having new representatives and a lot of times they were very frustrated. Sometimes they were outraged. And, at that point, that's when -- that's, I guess, when my interest was peaked.

Q. Outraged at being put into a different district than the one they had been in, say, for the last ten years

or so?

A. Yes. 10, 20, 30 years, yes.

Q. But you understand that that happens every redistricting, don't you? That somebody -- some people end up in districts that they weren't in before?

A. Right. But I don't -- to my knowledge, in the past, you wouldn't have your next-door neighbor voting in the same place you had voted in for the last 30 years while you have to go, you know, down the street to another polling location. That is what people were outraged at.

• • • •

Excerpts of Deposition of Eddie Bernice Johnson from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 13, 1994

• • • •

[32]

A Except we made an effort to put communities of interest together in this district. we made an effort to identify voters that would support the same kinds of major issues in the same manner, notwithstanding their color.

• • • •

[40]

Q But these objective groups would be another good standard for determining whether it's a lesser of two evils for an affirmatively supported candidate?

A All you have to do is go ask them.

Q Ask who?

A The voters. They will tell you.

Q I don't know if we have that choice during this litigation. I'm looking for other standards that may exist. In -- I'm sorry.

A I was just about to comment and probably I

[41]

shouldn't even do it, but you see, I get calls from people

that live all over Texas and other states as well that feel that they don't have representation other than to call me because the people that represent their districts do not represent their views, so they will tend to call members of the Congressional Black Caucus, and I think you might have heard that members of the Congressional Black Caucus are thought of by black voters in this country as being their representatives whether or not they live in their districts.

Q Would that be true in Dallas County, regardless of whether they're in your district they call you, a large number of --

A Yes.

Q Even those that were put in Representative Frost's district and Representative Bryant's district?

A Yes.

• • • •

[51]

THE WITNESS: If I remember correctly -- I would have to check just to be sure -- but I think our first official meeting where we laid out a plan, which probably might have been this one, was May 10th of '91. There was lots of reaction to the plan and we

did get a number of calls from around the state. Generally
speaking, we didn't have a lot of objection by minority
voters, but there were others who had comments and
especially it was comments from Martin Frost.
BY MR. HURD:
Q. What kind of concern was there from Martin Frost
on this particular district?

[52]
THE WITNESS: That his residence was not in the
district that he had represented for those years and we had
attempted -- we had written three letters to each member of
Congress to get their home addresses. Some responded, some
did not.
we checked tax rolls trying to find them. We
attempted -- the ones we had, we attempted to be sure that
they were still in the area and this was not just
demographics, it was everybody, where they had voting
residences.
we missed some because we didn't have the
residences and that was primarily the target at the time,
that some of them were not --
BY MR. HURD:
Q. At that point in time did he voice any concern
to you about the relative level of minority citizens within

[53]
his district?
A. He talked about losing a lot of the people he had represented previously.

* * * *

[55]
Q. Do you know a gentleman named Robert Menscher or
Bob Menscher, do you know him?
A. I've met him, yes.
Q. Who did he work for during the districting process?

[56]
A. Martin Frost.
Q. Do you know if he works on Capitol Hill right now?
A. I assume he does.
I have not seen him but one time since I've been up here and I think that was last January.
Q. Was he actively involved in the districting process on behalf of Congressman Frost?
A. Yes.
Q. What role did he play in dealing with the committee and dealing with plans that were released in a
general sense?
A. Well, he was there working as hard as he could to preserve an incumbent's district, just as many others
were.

* * * *

[64]

If you recall, can you remember roughly in the process of districting when it became a viable possibility to create both a Hispanic district and a black district in Harris County?

[65]

A. They already had a black district --
Q. Correct.
A. -- which was protected by the Voting Rights Act. The population growth in the state indicated where the population centers of growth were and they were Harris County, San Antonio, the South Texas corridor and the Dallas/Fort Worth corridor where the tremendous growth occurred, so it was clear whatever seats came about they would be in those areas. The dominant population growth in those areas were Hispanic and so it became sort of a natural for that population.

* * * *

[74]

Q. When you were chairman of the committee was it your intention in the process of developing these districts to allocate the minority population into particular districts such as this?
A. We had a goal of attempting to maximize the

election or the representation according to the dictates of the Voting Rights Act of the minority voters.
Q. So that's no accident, that was an intentional allocation of minorities into a particular district?
MS. HAIR: Wait a minute.
MR. HURD: I'm asking.
BY MR. HURD:
Q. Was it an accident as far as you're concerned?
MS. HAIR: If she knows.
THE WITNESS: Frankly I don't know, because on this part of the plan the incumbents did most of the

[75]

architecture.

* * * *

[82]

THE WITNESS: Rather than cracking it off I think I was not able to include it in 30.
BY MR. HURD:
Q. Why those voters, when they're minority voters and could have been included in the minority district?
A. Because I was dealing with incumbent office holders and there was a lot of emphasis on incumbency.
Q. Why did 5 need minority voters?
A. 5 wanted voters that they had previously represented, just as 24, just as 6, just as 5, just as everybody that had a stake in it. Everybody wanted as much of what they had previously represented as possible on both sides of the

15 political spectrum.

• • • •

[99]
21 Q They were allocated to a particular district --

[100]
1 A. Because the incumbents wanted it.
2 That was basically how they got allocated.

• • • •

21 THE WITNESS: I don't even know what areas were

[101]
1 minorities on some of this. Incumbents came in and worked
2 the parts of the map that they desired and if it worked in
3 the total picture that's what we did.
4 We basically attempted to satisfy these
5 incumbents.
6 BY MR. HURD:
7 Q. These lines did that, to the best you can
8 cumulatively --
9 A. To the best we could do in terms of what they
10 desire, and when it came to the sparsely populated areas
11 with minorities where there was no outcry for minority
12 representation, where the population did not support it,
13 there was not that much attention given to what is minority

14 of whatever in those areas except as incumbents wanted
15 certain areas geographically.

• • • •

[102]
17 This doesn't have anything to do with minority
18 representation as far as district construction, this has to
19 do with incumbent drawing of lines in these areas?
20 A. It has a whole lot more to do with incumbency
21 than anything else.

• • • •

[105]
11 Q. I'm going to hand you Plaintiff's Exhibit 6 that
12 professes to be a narrative of Voting Rights Act
13 considerations prepared by the Texas Congressional
14 Redistricting Staff.
15 Would that have included your staff?
16 A. Yes.
17 Q. What do you recall about the preparation of this
18 document, if you do recall anything?
19 A. Yes, all of the staff was involved with this,
20 the subcommittee staff as well as the full committee staff.
21 Q. Who would the full committee be? Is there a

[106]
1 Senate districting committee that had the two subcommittees
2 or was it a committee of the whole?
3 A. A committee of the whole.

Q. So was this a cumulative work of all the staffs, is that what you're indicating?
A. Yes.

* * * *

[108]
Q. Right. Were some of those areas divided by blocks so that they could be distinguished?
A. Well, what we also looked at is voting patterns and voting patterns were just as easy to get as ethnic background in the data.
If the voters voted in the Democratic Primary it was bright blue, if they voted in the Republican Primary it was bright red, and there's shades in between.

* * * *

[113]
Q. Did any of the incumbents, Frost, Bryant, to name two, ever affirmatively indicate to you what racial composition they wished for their district?
A. No, not percentagewise. They really just came out and wanted to maintain some of the district, as much as they could of the existing districts that they had represented.
Q. Do you have any reason to believe that they would have been satisfied had they been left all of the white citizens but none of the minorities?

[114]
Would that have satisfied them, if you know?

A. Based on my experience, I'm not sure that they would have been satisfied because the districts that they represented previously were not all white and they basically wanted to maintain as much of their previous districts as they could.
Q. Did that include a desire to maintain the racial composition of that previous district, if you know?
A. Well, there was not so much focus on the racial composition. There was more focus on what they had previously represented.
They wanted to maintain as much of what they had previously represented as possible.

* * * *

Q. If you know, did they or their staff ever

[115]
represent to you that they wished to maintain a 25, 35, any percent minority composition within their district to preserve themselves?
A. They were looking for what they considered voters that would be friendly, and they were identifying voters on computer and determining whether they considered them to be friendly or not.
I must tell you, however, that traditionally

minorities vote democrat, and they were democrats and they were looking for democrats to the extent possible, regardless of their color.

Q. So if they had to go all the way to Smith County to find black democrats it means they ran out of democrats closer?

A. I think what it does mean is that when you get enough of the split in population, just as 30 went looking for friendly territory regardless of color, they went looking for friendly territory as well regardless of color. It so happens that often when you find minority voters they're friendly because they vote for democrats.

Excerpts from Deposition of Roman Martinez from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 16, 1994

• • • •

[7]

Will you please state your full name for the record?

A My name is Romano Octabiano Martinez.

Q What is your address?

A 1009 Graceland, Houston.

• • • •

[8]

Q In the process of drawing the districts after the 1990 Census, what was your role?

[9]

A Excuse me?

Q What was your role in drawing the lines for the Congressional Districts of Texas after the 1990 Census?

A Primarily, I was a member of the Texas House of Representatives, representing District 148 here from Harris County. And then also, I was appointed by the Speaker to be a member of the House Redistricting Committee, which drew -- drew all the House and congressional lines.

Q And as a member of the Redistricting Committee,

and as a member of the Texas House of Representatives,
did you vote in favor of the Congressional Districting
Plan which the Plaintiffs are challenging in this lawsuit?

A Yes, I did.

• • • •

[20]

Q (BY MR. MARKHAM) What input did you have in
determining the precise boundary lines of the 29th
Congressional District?

A I had a lot of input from the very beginning,
as I stated, in saying that there was a need for a new

[21]

congressional district here in Harris County. And
then throughout the entire process through the months
of between January and the summer when the district
was finally drawn, was part of -- pretty much all the
negotiations that occurred on grading the new
district.

Q What role did you have in the decision to
ignore the prior voting tabulation districts and to
segment those districts into smaller different
districts for purpose of the redistricting?

A It was my desire at the beginning, as you can
see with my first preliminary plans, that I had on
this district not to do that. But as the
redistricting process unfolded, there were lots of

influences that occurred which made that happen, made
it necessary to cut down to the block level.

Q And what were those influences that resulted in
the decision to cut the block level in preparing the
redistricting plan for the congressional seats?

A The first -- the first one was the pressure to
retain the 25th Congressional District as a democratic
district, in which could be kept by Mike Andrews.
That was pretty much the biggest factor at the very
beginning, and which made us have to cut a lot of
Pasadena in my original configuration. I had pretty

[22]

much a lot of the Pasadena precinct intact, as well as
Baytown ones.
Those were a big portion of Congressman
Andrews' base, and so throughout the discussions and
negotiations we had to start paring that down. Then
as time went on, it became apparent that Gene Green,
who was at that time a State Senator, was interested
in running for Congress. And so he started needing to
make lots of cuts because of his desire to bring his
home area into the district.

Q And in making those block level cuts, what was
the mechanics of how that work was performed?

A How did -- I don't understand.

Q How do you look at census block and tell whether or not it meets the requirements that you wish it to meet, in order to include it in the congressional district?

A Well, it was different. Down here in the -- in the southern part, southeast part, pretty much it was Andrews' desire to keep parts of his base and what were areas that were important, I guess, to his reelection, possibly, in making sure that 25th -- it was -- it was at best a marginal district when we first started this thing, this process, and he just wanted to make it stronger and stronger into a

[23]

democratic district. And so, that was the job in there, in the southeast part of the district.

Q And in the northwest portion of the district through Spring Branch?

A What happened was, it got worse and worse. And what you can see with the progression of the maps -- and you can tell they're very clear -- when you look at -- at all the maps that are in my file, these are not just maps that I came up with; they're the maps that others would bring and would send into my file so that I could look at.

And what would happen is -- what happened once we got it up to a certain percent, and then when Green wanted to bring in his home area, that dropped

the Hispanic percentage of the district. At that point, he had to -- he wanted to make sure that we kept that percentage at the original -- at the original desired number, so he started making lots more different cuts. And so at one point, he was looking at political considerations, what neighborhoods he wanted to keep, what neighborhoods he didn't want to keep.

Q You said that the district as the process went on got worse and worse. What do you mean by that?

A In terms of splitting of neighborhoods.

* * * *

[26]

Q In breaking into the block level, in order to add various census blocks to the congressional district you were building, what are you looking for in those census blocks to determine whether or not they should be added or not added to that district?

A I didn't want to cut to the block level. If you look at all plans even from the very beginning, the ones that I presented to the legislature and to the committee, I had no intention of cutting blocks.

It was the forces that occurred after I presented the plan.

And after I was successful in -- in convincing the legislature that one of the new districts needed to come into Harris County, because

of the significant growth in population, it was after
that that the block started getting cut, but it was
other political forces that -- that made that happen.

Q So, it would be possible as you understand it, to draw a congressional district which would maximize
the opportunity of Mexican American or Hispanics in
the Houston area to elect a congressman without making

[27]

those census track blocks?

* * * *

Q (BY MR. MARKHAM) Do you believe it would have
been possible to achieve your goal to create a
Hispanic district in the Houston, Harris County area
without making census block cuts in the old voter
tabulation districts?

A If you look at my original lines that was what I did, yes.

Q And, for example, the district which you proposed in Martinez Exhibit 6 would have achieved
that result?

A Would it achieve what result?

Q Would achieve the results you felt were appropriate politically or any other way?

A Yes.

Q In going to the census block level, are census blocks being separated in some way according to racial

or ethnic composition from the other census blocks
surrounding them?

A At the point that -- at the point that we got -- when Gene Green wanted to have his precincts in
the district and was very adamant about it, and at the

[28]

very end of the redistricting process, pretty much the
plan was at stalemate because of the Harris County
plan.

At that point, we reached a certain
percentage of Hispanic population, which I felt we
needed to stay at. And because Gene wanted to keep
his home precinct, which was high in percentage of
Anglo population, that -- that reduced the overall
Hispanic population. So therefore, he had to go into
parts of the district and make significant block level
cuts in order to maintain the percentage that we had
all agreed upon.

Q And my question is, how does he separate -- or if you know -- one census block from another in
deciding whether it stays in the 29th District or
leaves the 29th District?

A If you look at -- I think a lot of it was -- based on political, whether some neighborhoods he

liked politically or one I liked politically.

* * * *

[29]

Q So, by dividing precincts in going to the census block level, the person who drew that portion of the district and made those block cut changes was using the ethnic characteristics of the census block;
is that correct?

* * * *

THE WITNESS: At the census block level?
Q (BY MR. MARKHAM) Yes.

[30]

A Again, as I -- as I expressed to you the process at the very end of the procedure where Gene Green had put his precinct in and had dropped Hispanic population, then he attempted to bring in Hispanic population at the block level from all other different -- other areas of the district. And I guess he did -- he did take that into consideration, and needed to, in order to up the Hispanic percentage.

* * * *

[33]

Q And what were those communities that expressed to you a desire not to be be split apart?
A At one point there was a big discussion as to whether to cut up Baytown. And I had devised a plan that did not cut up Baytown. And Baytown was a

political base both for Andrews and also for Brooks. They wanted to keep part of it. And then also Gene Green represented Baytown for many, many years in the State Senate, so wanted to keep Baytown in the congressional district. So, there was a big fight,

[34]

and Baytown was kept in the district.
Q All of Baytown was kept in the district?
A No. It was cut.
Q Were there any other communities which expressed to you a desire not to be cut apart?
A I didn't want to cut up Pasadena. If you look at my plans, my original plans -- Pasadena, all the precincts were pretty much intact. But again, the forces that wanted to insure that Mike Andrews was protected -- we had to cut into the Pasadena area because of that.
Q What about in the Houston Heights area? Was there any community leaders there who protested against being split into more than one congressional district?
A In the Heights? The Heights never was, I believe, cut up in the plans, as I recall. I don't recall.

* * * *

[35]

THE WITNESS: No. Are you saying that -- was it more cut up? Again, my plan wouldn't have done that.

Q (BY MR. MARKHAM) Let me use your words, then.
If the 18th Congressional District in force today were
cut up, then the 18th Congressional District which was
in existence for the previous ten years --
MR. GARZA: Now, you're talking about the
18th?
MR. MARKHAM: That's correct.
MS. HAIR: And if he knows what the prior
18th looked like.
THE WITNESS: Yes. I was very familiar
with what the prior 18th looked like, and there were
significant cuts in the present 18th. But again, that was due to the political forces that occurred during
the redistricting process.

* * * *

[38]
Q Is it fair to say that the cut lines, the
boundary lines of the new 29th Congressional District,
precisely followed the ethnic composition of Hispanics
in those portions of the county?

[39]

* * * *

A Are you saying that we try to pick Hispanics?
Is that what you're trying to say?
MR. HICKS: Can you tell us the precinct
numbers you're asking about?
MR. MARKHAM: 1091, 178, 191. Is that a
little south -- yes, you've got the correct one.

THE WITNESS: If you look here, this
precinct here is only 25 to 40 percent Hispanic. 20
to 40, so I'm not really sure that -- doesn't seem to
me like we're going after -- based on racial
percentages, or what are you're talking about?
Q (BY MR. MARKHAM) Let me ask you then, Mr.
Martinez, why then, if you weren't going after racial
-- if you weren't seeking to include 1091 for racial
purposes, why didn't you just include one of those
other precincts such as 404 or 302, something that's
closer in to the body of the congressional district?
A There's many reasons. We may have needed a
certain number of voters in order to meet the
deviation, and that precinct there had it. There's
many reasons why that precinct should have been put in

[40]
that district. I'm not sure what it is, just been
looking at it.

* * * *

[42]
Q The question is, is it your testimony that in
order for Mr. Green's precinct to be attached to the
29th Congressional District, it's not possible to make
a narrow slice through Precinct 408; that instead,
it's necessary to go through and include this group of
20 or 30 precincts to the east?
A The other reason is that there's highly

polarized voting in this precinct, which I was aware of, and I did not want those precincts in this district because of the highly polarized voting that occurs in those precincts.

* * * *

[50]

Q Okay. Are there any Hispanic communities at the -- for the 1992 voting tabulations districts which are excluded from the new 29th Congressional District in the East End?

A Again, you may have pockets all through here that -- that are Hispanic neighborhoods, but since they're at the block level, they wouldn't show up on this map, because they weren't taken into a district. Do you understand what I'm saying?

Q So, you're saying that the district could have made even more Hispanics if there had been even more block level cuts?

MS. CASTRO: I object to the form of the question. That is not his testimony. That's not what he's saying.

Q (BY MR. MARKHAM) Is that the essence?

A There's other neighborhoods that could have been cut in the districts yeah.

Q So, if more cuts could have been made, the district would have been able to create an even more

higher Hispanic voting age population?

A You've got a tremendous Hispanic population

[51]

here in the Gulfton area that was not brought into the district.

Q And, in fact, that Gulfton area was added by a corridor, which we see here at Precinct 570 and 360 to the 18th Congressional District; is that correct?

A Yeah. Part of it was, yes.

Q So, the largest part of the Gulfton Hispanic communities was by a narrow corridor added to the 18th Congressional District; is that correct?

A I believe it was added by -- I think those were precincts that have been there, I think. As I recall, I'm not real sure.

MR. HICKS: Can you repeat that? I didn't hear because of the traffic.

THE WITNESS: It was created by district precincts that were there, if I recall. I'm not real sure.

Q (BY MR. MARKHAM) In determining to draw the new 29th Congressional District, what was the purpose that you were looking at the policy consideration in how you drew that district?

A The purpose was in bringing in a new -- an additional congressional district into Harris County. I guess the policy guidelines, I was looking at those -- that existed that -- that was in my package. I

[52]

pretty much utilized those to convice the legislature
that it was -- it was necessary to -- to draw a
district -- a new district here. And early on in the
process, I was able toshow that that one could be
drawn.

Q And when you say a district can be drawn,
you're not referring to a district just for anybody;
you're referring to a district that's designed to
elect a particular person or a particular -- person of
particular ethnicity? What exactly are you trying to
achieve?

MS. CASTRO: Objection, compound.

MR. GARZA: Which part of the question do you want him to answer?

Q (BY MR. MARKHAM) Was the purpose of the new
29th Congressional District to elect a Hispanic?

A The purpose that I saw in my mind, one, was to
-- as I understood it in going to all the
redistricting conferences -- was that if the
population were there and it was cohesive, that we
warrant the creation of a district. And then
personally, I was interested in running for that
district.

• • • •

[54]

Q (BY MR. MARKHAM) Okay. The press release refers to a plan which is the same, I believe, as your

Exhibit No. 6 which you earlier provided us; is that
correct?

A Exhibit No. 6, yes.

Q With respect to that district, was it your
purpose in designing that district to permit the
Hispanic communities to elect the first Hispanic
congressman from Harris County?

A The to permit them to have a good opportunity
to elect a Hispanic, yes.

• • • •

[61]

Q Did the Voting Rights Act require that a voting
district be created even if it results in
block-by-block cuts in the precinct lines or in
irregular shape of the district?

A First off, it was again -- I would reiterate
that it was not my desire to cut at the block level
to
create a district -- and did create a district that
did not do that. But I personally interpreted and
utilized the Voting Rights Act to convince my fellow
colleagues in the legislature that -- that the
Hispanic communities here in Harris County was
warranted a district; that they could maximize their
opportunities to -- to influence the election of a
congressperson.

• • • •

[65]

Q (BY MR. MARKHAM) When you define Hispanic, I
guess, how do you do it? How do you define the
term Hispanic?

A Someone with Hispanic descent. Someone of Hispanic descent.
Q So, an attorney her in town, George Dias Arestilla, son of a Cuban immigrant, he in your view would be a Hispanic?
A Yes.
Q What about Mary Beth Alameda, my sister who

[66]
assumed a Hispanic surname by marriage? And I'll represent to you that our -- my ancestry is the same gene pool -- is greater than 90 percent British Isles.
A She was -- she's married to --
Q A person with a Hispanic surname which she adopted by marriage.
A Uh-huh. I'm -- I'm -- I don't know all the technicalities, but she probably would not be, but her kids would.
Q I've served on a non-profit board with Tony Buenaflor who hails from the Phillipines. Would he be Hispanic, entitled to representation in the 29th Congressional District?
A Everyone who lives in the district is entitled to the representation that congressperson is going to provide whether they're Hispanic or not.
Q Would he be entitled to have the district drawn in a way to include him?
MS. CASTRO: Objection.
THE WITNESS: Would you repeat that again?

MS. CASTRO: Vague, ambiguous.
Q (BY MR. MARKHAM) Let me see if someone from the Philippines would be considered Hispanic.

[67]
A I'm not really sure if the Philippines would be.
Q I have a neighbor Javier Wiseland. He was born in Argentina. Would he be a Hispanic?
A I assume so.
Q The wife of Dr. Eugene Fontenot who is the republican candidate for Congress, the 25th District originally from Honduras, would she be Hispanic?
A I didn't --
Q Does Mr. E.A. Morris who perenninally --
A W.R.
Q W.R., who often enters election contests here in Harris County, he's a Hispanic?
A William Rosendas Morris, yes.
Q And President Fujimori of Peru; President Menin of Argentina; General Penashea of Chile; all of those are Hispanic?
MS. CASTRO: Objection, compound.
Q (BY MR. MARKHAM) Are any of these Hispanic?
MS. CASTRO: Irrelevant.
MR. GARZA: You know who those people are?
THE WITNESS: I know who they are, but they wouldn't be residents of this district.
Q (BY MR. MARKHAM) If there were to move to

• • • •

[73]

Q Do you believe there's any sense of community in this 29th Congressional District among the people who live in the Spring Branch area portion of the district, and people who live on the north end of the district, and the people who live on the East End and the people who live in the Baytown; do you think they share a sense of community?

A I think there is definitely a community of interest within the 29th District. Prior to me looking at the possibility of running for this district, we did take a poll and found that when you look at socio-economic status, educational, work, that the district is pretty homogenous. Just, you've got a district that is -- could be described as very blue-collar from poor to middle income, and so when you go from neighborhood to neighborhood, I think you have some very, very solid community of-interests within the 29th Congressional District.

• • • •

[75]

Q Do you consider that in any way an inefficient way to campaign in campaigning to social clubs or civic clubs whose entire territory is included within

your district?

A We did not have data through the redistricting process of civic club lines at the time, and we did give lots of access through hearings, public hearings, both in Austin and here locally, for groups to be able to come testify to us about wanting to stay together in neighborhoods. And if that was done, I'm sure that we took that into consideration. And again, I want to reiterate that if civic clubs were split and neighborhoods split, it was my intent from the very beginning, my desire, not to do that.

Q And one of the reasons you viewed that as being inappropriate is that it might result in confusion of voters?

A I just didn't see -- didn't think that it had to be done. And the only reason it was done was because of the political forces that I described earlier.

• • • •

Dated June 21, 1994
Volume III

* * * *

[16]

Q Now, you also testified that among your initial

[17]

goals was looking at a district that might be favorable to your candidacy; do you recall that?
A Yes.
Q That you were, in fact, contemplating running for the Congress out of that new district; is that correct?
A That's correct.
Q Okay. When you looked at those maps, did you also then consider areas of Houston that would be favorable to a Martinez electoral bid?
A That's correct. I sort of compared as to whether it would be good for a Hispanic candidate overall or to myself.
Q Okay. And are there areas of Hispanic concentration that would be more favorable to you than other areas of Hispanic concentration in the Houston area?
A Absolutely.
Q And so then you would want areas of those

areas for the ones that you have a relationship with or that you would feel comfortable with if you were making a race?
A That's correct. I believe Gene Green reported making those same kind of determinations.
Q So you were both making those kind of

[18]

determinations?
A That's correct.

* * * *

Q And was there much discussion and was there much evidence presented to the committees and was there much discussion among members of the committee about the existence of polarized voting in Harris County and in Texas?
A Well, absolutely; Even before all the public hearings occurred, we internally had hearings with our staff, the Redistricting Committee staff, and attorneys to go over the issues of racial polarization. We became very familiar with what had occurred in prior redistricting terms, redistricting sessions, and the problems that the State had had because we had not taken care of that

issue. And so we became very familiar with that
and learned about the problem of racial polarization in the State. I was very familiar with it locally here in the Houston area. And so
in my creating and coming up with this district, I
took that into consideration and at all times communicated that with the members of the

[19]
committee, and I think that was one of the most
compelling factors in my being able to convince my
fellow committee members and the legislature that
one of the new districts had to be here in Houston
and that it had to be drawn a certain area in order
to comport with racial polarization.

Q Okay. Now, looking at District 29 as it's exhibited on Deposition Exhibit 22, we've talked a
lot about the racial makeup of the district and about different blocks being brought in that had minority populations. Are there other things that link this district, other common threads that this district has?

A I think that even before I started working on creating the district, I felt very comfortable that we were going to be able to create a district that brought in very similar areas. And now with the district having been in place now close to two terms, I feel very confident that this is a

district that in terms of all the areas is very similar. When you look at it economically, socioeconomically, it is from low to middle income.
I did a poll prior to my making a determination of whether I was going to run for this district for Congress, and it came out that

[20]
the median income of this district is about 25,000 across the board. Socioeducational-wise across the
board it's pretty even, very low educational attainment levels. In terms of employment, the whole eastern part of the district is pretty much tied into the petrochemical district. It includes pretty much the whole Port of Houston from downtown
all the way to Baytown. Many the people who reside
in this district either work on industry related to the Port or to the petrochem industry, but pretty much the whole district is much -- very much of a blue-collar, working class population. So I feel it's a very homogeneous district, one that has a lot of community of interests that are very, very similar.

Excerpt from Deposition of Carl Vernon Reynolds from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 17, 1994

[21]

Q. (By Mr. Hurd) Who did you deal with -- did you deal with Bob Mansker more actively toward the end?

A. Not really. I mean --

Q. Who did you deal more actively with toward the end?

A. Well, it depended on what part of the state we were working on, who was -- whose districts were affected.

Q. All right. How would you identify the different regions of the state so that we can talk about people that were more active in the different regions of the state?

* * * *

[22]

A. Dallas/Fort Worth and the surrounding --

Q. Okay. Who would you have been more actively involved with in that process?

A. That would have been Senator Johnson and her staff, Congressman Frost's staff, Bryant and his staff, at some point Geren and his staff, and Congressman Barton and his staff, and as it played out Senator -- it used to be Senator Sarpalius --

Congressman Sarpalius.

Q. Okay. What was their -- who did you meet with -- deal with from Congressman Frost's staff?

A. Mansker and Angle.

Q. What did they communicate to you was their desire on congressional -- on the congressional districting structure?

A. They wanted to accommodate Senator Johnson's effort to draw a district in Central Dallas and still get Martin Frost re-elected.

Q. Did they ever communicate to you how they wished to accomplish that geographically with maps and neighborhoods and that sort of thing?

A. Numerous times, numerous alternatives.

Q. Was there any -- how did the Metroplex area's map evolve mechanically on the computer as far as desires by people? Someone has got to put it on

[23]

the machine, bring it back, and people criticize. Is that generally how the process works with a -- with a mapping issue, is that ultimately it's got to go on the computer --

MR. HICKS: Wait.

Q. -- someone has to criticize it, and then you would start with another map?

* * * *

[43]
Q. You had spoken earlier that I think Lieutenant Governor Bullock had indicated that the Senate was going to support Senator Johnson's district in Dallas. Why wouldn't her first -- why did her first proposal not simply sustain itself in the process --
MR. HICKS: If you know.
Q. -- if you know?
A. I think it generated too much concern on the part of Frost and Bryant that it jeopardized them and that they prevailed upon the members of the legislature to let them work -- work it out in more detail with her.
Q. In that process of working out with Congressman Bryant and Frost in the -- particularly in the Dallas area, would that be -- that process of working it out between the three, is that what caused the districting plan in the Dallas area to become more finely tuned, less wholly, or geometrically simple?
A. Yes.

* * * *

[44]
Q. On the areas in relation to Martin Frost's and the Eddie Bernice district, where are some of the areas that you can recall that there were some

splitting of precincts and give and take on the districting process?
A. I don't recall by name of neighborhood. I could only point to it on a map and wouldn't be able to -- that wouldn't help me give you a name.
Q. Okay. In dealing with Congressman Bryant, who was his staff that you were dealing with, if you recall?
A. Carlton Carl.

[45]
Q. Was there anyone else from his staff other than Carlton or was Carlton the only one you recall?
A. I think there was someone else, but I don't remember who it was.
Q. Okay. And for Congressman Edwards or is he not in the Metroplex?

* * * *

[61]
Q. Did you have any discussions with the staff of Congressman Brooks, Andrews, or DeLay on the finalizing the plan in Harris County?
A. I believe there was some interaction with Congressman Andrews' staff. I don't recall Brooks and DeLay being involved.
Q. And, if you know, in general terms, what were the content of those contacts and how did they impact the districting plan?
A. Well, it would have been democratic

percentage in Andrews' district and, to some extent,
specific places. One that I recall, I think, was
the -- the hospital area of Houston and I think that

[62]
Andrews wanted that in his district, as I recall.
That sort of thing, neighborhoods in and out, that
kind of thing.

* * * *

[65]
Q. And what were their interests in the
construction in Harris County?

[66]
A. They were -- she was interested in
accommodating the -- the new district that would be
added, District 29, and maintaining some viable
democratic component of his district, 25, so that he
would be re-elected, and in addition to that, some
particulars of neighborhoods and locations. And I
have given you the only example of that that I can
remember now.

* * * *

[110]
Q. And was that increase in population and
increase in minority population a factor in the

decision to draw districts as far as where the -- the
three new districts that Texas was entitled to under
apportionment, did that play a role in the decision of
where to place those districts?
A. It played a role particularly with respect
to 28 and 29, which are in South Texas and Harris
County respectively.
Q. Can you describe a little bit more about the
process by which the legislature made that decision?
A. I don't know when or exactly how the
decision was made. I think it was suggested by
various parties in the -- in the presession hearings,
the outreach hearings, that all three new districts
ought to be and could be created to elect minority

[111]
candidates and that -- that notion obviously took
hold. I'm not sure how -- if it was ever formally
decided that that was the way that Texas was going to
go, but that was an underlying assumption in -- in all
our work.

* * * *

[126]
Q. Do you ever recall any characterization by

those involved in the districting process that would
have characterized this as a partisan incumbent protection plan?

A. My understanding from the start was that -- that it was going to be -- that it was going to protect the entire delegation regardless of party.

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Excerpt of Deposition of Christopher Sharman from *Vera v. Richards*, heard in the United States District Court for the Southern District of Texas

Dated June 18, 1994

• • • •

[163]

Q. (By Mr. Hurd) In the areas that are between the 18th and 29th in this inset, at the very more or less top and center of the inset, is this an area that included some VTD splitting activity?

A. A lot of VTD splitting activity, I would say.

Q. In this area, was the VTD splitting done so that you could allocate in the VTD area -- within a given VTD the population by race to either the 29th or the 18th?

A. Well, in -- in regards to the 18th District. that was just used as a corridor to connect the 18th up to other populations in the northern part of the county, but the 29th, the Spring Branch, Spring Valley -- it's labeled "Spring Valley" here; I considered it Spring Branch -- the Spring Branch area was included in there at the request of Roman Martinez.

Q. That's not what I'm asking. I'm asking you, when you split the VTD, you got -- let's assume we split it in only two pieces.

[164]

A. Okay.
Q. Did you take the Hispanic part and put it in the 29th --
A. Yes.
Q. -- and take what's left and put it in some other district?
A. Well, yeah.
Q. Okay.
A. Yeah. I mean, we were creating a Hispanic district, so, yes, we put Hispanics in -- in the 29th.
Q. That's all I'm asking. We were in there -- you were in there actively in this area splitting precincts and assigning the subunits by racial composition?
A. Among other things, yes. That's correct.
Q. Is that -- and I don't mean to ask is that the only driving single force that ever created the --
A. Right.
Q. -- the phenomenon of VTD splitting.
A. Right, because it's obviously not.
Q. What else are some other phenomena?
A. Where people's district offices were, where their relatives lived, economic communities of interest, whether or not there were voting populations

[165]

versus non-voting. I mean, for instance, this arm that comes off Craig Washington's district, they expressed no desire -- even though it's majority Hispanic, no desire for that to be in the Hispanic district because it's known as the Gulfton area and supposedly was an area where there was a lot of

non-participating Hispanics.
A lot of this area in Southwest Harris County is mainly Hispanic. It's actually a mix, but it's Asian, Hispanic, and black, but it's mostly apartment community, non-stable populations that -- that the Hispanic community in Harris county had no particular desire for them to be included in a Hispanic district because they didn't feel like that helped draw a district in which they had an opportunity to elect a candidate of their choice.

• • • •

Vera v. Richards Trial Testimony
heard in the United States District Court for the Southern District of Texas
Excerpts from Testimony of Edward Blum, Ronald Weber and Christopher Sharman

Dated June 27, 1994 - July 1, 1994

Testimony of Edward Blum

* * * *

[18]

DIRECT EXAMINATION

BY MR. HURD:

Q Would you state your name and address for the record, please .

A My names is Edward Blum. I live at 1912 Bissonnet here in Houston.

Q Where do you work?

A I work at 2,000 Post Oak Boulevard, also in Houston.

Q Do you know what congressional district your home is in?

A It's the 18th congressional district.

THE COURT: Counsel, could you pull that a little closer .

[19]

BY MR. HURD:

Q How long have you been a resident of Houston?

A Since 1962.

Q Prior to living where you live today, where was your prior residence?

A On Hermann Drive. 1111 Hermann Drive.

Q How far away did you move in Houston? What part of Houston is that in?

A That's in the Museum area. I still live in the Museum area. Approximately three-quarters of a mile away.

Q Do you know what district your previous residence was in?

A I do. 25th congressional district.

Q Do you know the district that your location of where you work is in?

A That's the 17th congressional district.

Q How far is your residence from where you work?

A About six miles.

Q Have you been involved in having personal experience on the construction and the location of the 18th congressional district?

A Yes. I have.

Q How did you gain that experience?

A I was a candidate for congress in 1992, running to represent the people of the 18th congressional district. So during the course of the campaign, I learned about the

[20]
district intimately.
Q Was the 18th congressional district as constructed today
the district that you ran in?
A Yes.
Q Did you experience any difficulty as a candidate in
campaigning in the 18th congressional district that you feel
relates to its physical structure?
A There were innumerable problems campaigning. First of
all, trying to locate what streets were in the 18th
congressional district, following roads that would go, houses
that would go down one side of the street but not the other,
being very confused in trying to meet the people who lived in
the 18th congressional district, and also running across many
residents that were confused about what congressional district
they were put in.
Q Did you do any door-to-door campaigning?
A We spent, my wife and I spent nearly a year going
door-to-door canvassing voters. We met nearly 25,000, knocked
on nearly 25,000 doors during that year.
Q In your efforts to campaign, did you ever experience or
notice material that related to other congressional districts

that might have been in the 18th congressional district?
A Often I would knock on a door to introduce myself and was
told by the resident that they were not in the 18th
congressional district. The 18th district actually was across

[21]
the street. That happened frequently. Often I would meet
people who were quite shocked that they had been redistricted
out of their previous congressional district, so it was mass
confusion daily, either from going door-to-door or from
receiving phone calls from people who had been informed they
were put in the 18th congressional district or weren't sure
whether they were still in the 18th.
Q Did you ever attempt to create a map yourself manually to
determine where the 18th congressional district was?
A We did. We used the 1992 Harris County precinct maps,
and we used state-generated walk lists that faciliated going
door-to-door.
Q Were you in Court when we had had a previous hearing in
this matter where the map you tried to create was displayed?
A I wasn't here that day.

16 Q Can you describe generally your map that you created.
17 A The map is a large, almost six-foot by four-foot precinct
18 map, multicolored with different pastel colors that shows the
19 sprawl of all the different congressional districts here in
20 Harris county.
21 Q Were you able or successful in creating a map that would
22 accurately depict your own congressional district?
23 A I think so. It was very laborious to go virtually
24 house-by-house, it seemed, block-by-block to create this map,
25 but I would think it was very accurate.

[22]
1 Q Did you, in the election process, experience a
2 difficultly of the election officials themselves allocating
3 precints to the wrong districts?
4 A Actually, after the primary, as I recall --
5 Q What year is this?
6 A This was in 1992.
7 Q Thank you.
8 A After the primary in 1992, three or perhaps four
9 precincts that voted in the 18th congressional district
10 primary election were subsequently dropped and put into
11 another congressional district because of a problem that the
12 county or the state had made in identifying those three

13 precincts belong to the correct congressional district.

* * * *

Testimony of Ronald Weber

* * * *

[134]

DIRECT EXAMINATION

BY MR. HURD:

Q Would your state your name and address for the record, please.

A Ronald E. Weber, W-e-b-e-r. 3487 North Summit Avenue, Milwaukee, Wisconsin 53211.

Q Where are you presently employed? In what capacity?

A I am the Professor of Government at the University of Wisconsin, Milwaukee, and also chairman of the political science department.

* * * *

[191]

Q Have you gone further in trying the determine what was the other factors involved in the districting process in the State of Texas?

A Yes.

Q What other areas, what other material, other data have you searched out and reviewed in trying to accomplish that?

A Well, first of all, there is a public record of what the state did that's reported in the Section 5 submission, and those accounts.

Q Have you had an opportunity to go through that material at all?

A Yes. I did. One of the first things that I did was go to Austin, go to the Secretary of State's office and go through and identify in the Section 5 submission, the material that I thought would be relevant and important to begin the process of addressing these questions. Generally the states -- I am very familiar with the Section 5 pre-clearance process. The Department of Justice

[192]

has very high standards for what they demand from the jurisdictions. You find a voluminous record that's public that you can, in effect, go into and find information that will be helpful for you to help to evaluate the plan.

Q In evaluating that information or reviewing it, have you had any notations in your own mind as to the type of information that seemed more critical to you in making your

analysis of this plan?
A Well, when I made my first pass through the Section 5
transmittal material, I didn't have the kind of familiarity
that I do have today with the plan; but at that time I was
looking for demographic information about the districts, how
do they differ from each other in terms of population make-up,
and I was also looking for maps.
I was looking for, perhaps, the possibility I would
stumble upon maps that showed the racial breakdown of the
districts; and lo and behold, I was not at all surprised to
find in the Section 5 submission, because that's something the
Department of Justice expects, that there were very good maps
showing the racial breakdowns, the kind of maps we have we
have been looking at here today, that characterize the
district lines, that characterize the ethnic and racial
make-up of the populations at the VDT and the block level as
they relate to the respective districts, so all of that's in
the submittal.

[193]
Q In reviewing that information, were you able to garner an

opinion or an impression of the people that were involved in
the factors that were leading to the ultimate conclusion of
the districting plan that the State of Texas had?
A Yes. The record that was submitted to the Justice
Department, whether or not that the state will now admit
that's the truthful record or is some other record, is a
record that documents a pattern of using race to draw
congressional districts.

• • • •

[2-47]

Q If you would proceed with summarizing your analysis in
Harris County and what you believe is significant in
construction.
A Okay. There are some things to say about the
significance of this memo, which is to say that they were
pointing to one particular precinct as a problem, but it was
just an example to demonstrate to the justice department the
additional problems that they were going to have in drawing
the commissioners were going to have in drawing the precincts.
And so subsequent to reading this, I then sort of

asked for an identification of some of the split VTDs or precincts in the Houston area, Harris County area; and I was provided with a list of some of those precincts, and I then asked a member of my staff to tell me something about the political voting of the precincts in 1988 and 1990, because I was aware that there was this issue of were they following, in doing the lines were they paying attention to party or were they paying attention to race.

[2-48]

And as I hired yesterday, I think Representative Grusendorf testified you can work at the precinct level and pay attention to politics, the parties; but when you split the precincts then you don't have accurate information as to how people vote, you only have accurate information as to race or ethnicity, and so I then got some information provided to me about the voting patterns of some of the split precincts. The split precincts in Harris County, the 10 or so that I had selected, they're varied. Some are mixed in their voting pattern. Some are overwhelming in one direction, and a

couple that are overwhelmingly Democratic, they were split. I don't know why they were split, other than I guess I could conclude it was race, they're being split. For example, 607 is being split. For congressional districting is being split into three districts. Nine precincts come about because it State House District 12.

Q Was it allocated to three different congressional districts?

A Yes. But the puzzling thing to me is that the precinct was so overwhelmingly Democratic, it didn't even matter which district you put it in this terms of voting behavior at the general election, so it could have gone to District 25, for example, wholly rather than being divided between 18, 25 and 29, and that is just one precinct, but it's pretty powerful evidence to me that at the point of doing the precinct splits,

[2-49]

politics may not have been as important as maybe others are going to say it is important. In effect, it was simply dividing on the basis of race.

Testimony of Christopher Sharman

* * * *

[3-155]

CHRISTOPHER SHARMAN
was called as a witness by the State and, having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HICKS:

Q Mr. Sharman, I guess begin by just stating your name and where you live.

A My name is Christopher Sharman. I live at 1805 Collier --

JUDGE HITTNER: Sir, you need to angle that mike up a little bit and pull it in, and you need to speak up, sir, and would you spell your name.

A Christopher Sharman, S-h-a-r-m-a-n. I live at 1805 Collier in Austin, Texas 78704.

Q How long have you lived in Texas?

A All my life.

Q How old are you?

A 27.

THE COURT: Sir, with due respect, you are going to have to speak up.

THE WITNESS: Sorry.

BY MR. HICKS:

Q I just want to start, really on the part that's relevant

to this case. Can you tell me your first involvement with aspects

[3-156]

of redistricting in Texas?

A That would have been with the Texas Legislative Counsel in 1990.

Q How were you involved?

A I was working for the Legislative Counsel, and I went to all the interim hearings before the session.

JUDGE HITTNER: Just a little bit of background. What do you do for a living, sir, and what is your education?

THE WITNESS: I have a B.A. In government from University of Texas. I am currently attending the L.B.J School of Public Affairs there. Right now I work for a political consultant in Austin, Texas just for the summer.

JUDGE HITTNER: Thank you, sir.

BY MR. HICKS:

Q You were, back in '90, working for legislative counsel and you were attending interim hearings?

A That's correct. My job was basically to make sure that hearings were recorded, take notes, and then I would prepare detailed summaries after the hearings were over.

Q Was this interim hearings on all aspects, house

representatives, state senate and congressional redistricting?
A That is correct.
Q About how many did you attend?
A All of them.

[3-157]
Q About how many was that?
A I think there was 15 or so.
Q What did you do in your summaries?
A I would listen to the tape recorded testimony, and they were very close to being transcripts. They were very detailed summaries. I would incorporate all the written testimony that was submitted and maps and whatnot and build those into summaries.
Q Were these well-attended hearing?
A Some were more well attended than others. I wouldn't call any of them well attended. Based on the amount of publicity, the lengths that Legislative Counsel went to publicize them, I think the largest was probably here in Houston and there was perhaps 300 people there.
Q Generally, what was your sese of the crowds that came or the groups that came?
A Generally they tended to be people that were involved in politics, active or involved in activities that related to

politics in some way, chamber of commerce or local elected officals, or there would be some constituents that were just very active in politics.
Q After you had attended those hearings, what did you do?
After you had finished attending that round of interim hearings, what job did you have or did you continue in that same job?

[3-158]
A No. I was hired by the Senate Redistricting Committee to be their technician for drawing maps.

* * * *

[3-199]

Q In District 30, did you have any special reason to try to maintain any kind of balance in terms of the number of Black residents in that district?
A Well, yeah. We thought we had an obligation under the Voting Rights Act to allow the Black community to elect a representative of choice in that district. So, yes, yes.
Q I guess what I'm asking is, you have made it sound

[3-200]

like -- and if it's so, tell me -- but you have made it sound
like every time in this area that we see blue, you've included
it because it's a minority. Is that so?

A No. Not necessarily. I mean, that's more true than not
for voting rights districts than it is for other districts.

Q Okay.
So, did you do them differently in voting rights
districts than you did in non-voting rights districts?

A Yes.

Q Why would you want to keep a Black population, for
instance, in a voting rights district created to allow Black
voters an opportunity to elect candidates of their choice?
Why would you?

A I would think that's obvious.

MR. HIRTZ: Yes. It's obvious. It's a leading question.

THE WITNESS: I don't think the question was leading,
but, I mean

JUDGE HITTNER: You said the LBJ School.

MR. HICKS: He has got an objection, so don't answer.

JUDGE JONES: Go ahead and answer it.

BY MR. HICKS:

Q Why, in a minority district -- I know the answer seems
kind of obvious, but there seems to be some kind of confusion

about this.

[3-201]

Why in the minority district would you have made some
effort to include Black voters when you began looking at
detailed precinct level numbers?

A Because generally you wanted to have a majority Black in
a district or what you felt was necessary for that community
to have an opportunity to elect a representative of choice.
The committee had staked out a general thumbnail
sketch going into the redistricting process that you generally
shot from for a majority of one minority community or the
other, around 50 percent. If it was possible that, you know,
was there was a concentrated community and you could put them
in a district fairly easily, you would do that and then shoot
for an overall target, or there is a sketch of around 65
percent was deemed sufficient to allow them to elect a
representative of choice.

* * * *

[3-205]

Q Well, let's go over to the other incursion which we have heard some testimony on, I believe. It's the part of District 24 toward the center of that part of the map.

A Right.

Q You heard testimony about a large part of that, anyway, being Representative Garfield Thompson's house district area?

A That's correct.

Q What's the green district there?

A That's Congressman Geren's district.

Q Is that District 12?

A Yes. It is District 12.

Q Why would Congressman Frost take that area away from -- instead of Congressman Geren?

A Well, we had two different versions of the map before this version was decided on. If you will notice, Congressman

[3-206]

Geren runs out into some rural counties, Johnson County and into Parker. One map actually went into Denton to get Democrats in the City of Denton.

Q Is Denton the county to the north --

A To the north of Tarrant, that's correct. But it was stated by his staff that he wouldn't fair as well running rural and that it would be better for Geren to

run his district out into the rural Democrats, because he felt that keeping his district urban was better for him.

Q Who did?

A Representative Frost.

Q Why would he want to keep his district urban? He had had an urban district before, right?

A He had an urban district before, and he felt that possibly his choice for religion would hurt him.

MR. HIRTZ: Objection, unless this man has person knowledge of the congressman's feelings, I object.

THE WITNESS: Well, these were the reasons his staff was stating at the time. I presume they were speaking for him.

MR. HIRTZ: My objection is limited to hearsay.

MR. HICKS: That's admissible hearsay.

JUDGE JONES: On what basis?

MR. HICKS: Under Rule 8033.

JUDGE JONES: Tell me what it is.

[3-207]

MR. HICKS: Because it's an out of court statement of somebody's intent, plan or design.

JUDGE JONES: It's admitted.

MR. HICKS: Thank you.

BY MR. HICKS:

Q You were kind of circumspect. What did you mean?
A He's Jewish and did not feel like those rural counties would support him as wells other Democratic areas because of that fact.
Q So that's part of the reason he ended up in this area of Tarrant County instead of rural in areas he might have gone to?
A That's part of the reason; that's right.
JUDGE HITTNER: Let me ask a question at this point. You were mentioning that race and politics were being taken into consideration. Was religious preference taken into at any time?
THE WITNESS: In this one instance it was.
JUDGE HITTER: In this one instance?
THE WITNESS: That's correct.
JUDGE HITTNER: Thank you.

* * * *

[4-51]

Q I come back one more time on District 29 to why were you working so hard to maintain it as a Hispanic district?
A District 29? Well, we felt an obligation to create one

under the Voting Rights Act. I mean, the Hispanic community and Harris County testified the population was there, they presented us with maps that be combined the population in such a way that they felt was fairly easy to do, and it was. If you didn't have a lot of other factors, if you just drew Hispanic district in a vacuum, you could make it much more compact than what we eventually ended up with. So, we felt an obligation, and we wouldn't have gotten a map out

[4-52]

of the house or the senate, I don't believe, without drawing some kind of Hispanic district in Harris County.

* * * *

[4-77]

Q How many congressmen were involved in the working up of these congressional districts in the Dallas/Tarrant County area of Texas?
A The Dallas/Tarrant County area? Well, certainly Congressman Geren and his staff. Congressman Frost;

Congressman Bryant; Congressman Johnson; Congressman Hall to a certain extent; Congressman Stenholm to a certain extent; probably sums it up.

Q Four or five?

[4-78]

A Roughly.

Q How many staff members from each of these congressmen did you have contact with?

A How many staff total or from each?

Q From each, if you know?

A Well, let's see Congressman Frost, I believe, had at one point in time three staff members down here. Congressman Bryant, one. Congressman Geren, it was hard -- he didn't particularly have staff down here. He had people that were working on his behalf. I think Paul Lagiman was one of those. He was a local lawyer that he got deferred to in town.

Congressman Hall I don't believe had any staff down here. I think that about sums it up.

Q How many individuals in total?

A For the Dallas/Fort Worth area?

Q Yes, sir.

A Just related to congressional persons?

Q Yes, sir.

A Five or six, seven.

Q Are you telling this Court, sir, that five or six

individuals went out and gathered empirical information from every one of the precincts that was split in the Dallas/Tarrant County area so you could make a split to put Democratic voters in those precincts?

[4-79]

A No. I am not representing that five or six people did that. No, I am not representing every precinct empirical evidence was gathered on. There were a lot more people involved in the process that knew these areas besides the congressmen. It was not something they came in and drew whatever they want. There was a lot of conflicting forces going on.

Q The people who were supplying the information knew the four or five, they couldn't physically cover all of the precincts that you needed empirical information, could they?

A What you are failing to understand is that I had already been through the senate and house redistricting process where I had a lot of information, contact with people from Dallas and other areas, so I had all that information retained, and then these people came and provided me even more information

and gathered more information as the process went on.
It was a continuous process of information that was
flowing in flowing out. I couldn't even name how many
individuals through one way or another were involved in this
process, through telephone calls. I mean, they were
constantly calling people that had local knowledge. It went
on and on. It was quite a process.
Q Isn't it a fact that race, the racial composition of
precincts was a factor in the Texas Senate redistricting plan
in 1991?

[4-80]
A For the whole plan or are you talking about for certain
districts?
Q For certain districts.
A For districts that were under the Voting Rights Act,
yes, we kept an eye to racial opponents of those districts.
Q And only those districts, sir?
A Yes.
Q Now, for each voting rights district, it had borders
with other districts, didn't it?
A Yes. It did.
Q You can't be telling me you didn't know anything about

the racial composition of those other districts just over the
line, can you?
A Well, no, but that wasn't a consideration. I mean, you
do something for -- I mean, when you cut a precinct for a --
Q Excuse me. Is your answer yes or is it no?
A Do I know the racial composition of most of the Texas
senate districts? Is that the question?
Q Those interfacing with the minority voting rights?
A I know the racial composition of most of the Texas
congressional districts --
Q I see.
A -- and senate districts.
Q And house districts?
A Some of the House districts. I was only involved in a

[4-81]
couple of counties in the house.
The problem is when you draw on this computer, it
tells you the population data, racial data. Every time you
make a move, it tabulates right there on the screen. You
can't ignore it.
Q And that racial tabulation district was before you at
all times right on up through the date that the final maps
were drawn; isn't that a fact?

9 A I was working on the same computer system, yes.
10 Q Will you, please, answer my question, sir.
11 That racial data was in front of you right up 'til
12 the time drew the final map? Yes or no?
13 A Yes. Population data was displayed always.
14 Q Thank you, sir.
15 Q That racial data was a lot more important to you than
16 the empirical data?
17 A I would not characterize that as correct.
18 Q You have told us that the people told you how many Ann
19 Richards yard signs were in these precincts.
20 Would you mind telling this Court how many Ann
21 Richards yard signs were around in the Dallas/Tarrant County
22 area in the summer of 1991 for an election which had ended
23 November the year before?
24 A That was probably a mischaracterization. I meant to say
25 political signs. I picked Ann Richards out as a prominent

[4-82]
1 Democrat. Could have been Dukakis.
2 Q Isn't it a fact that -- I beg your pardon, sir?
3 A Could have been Dukakis.

• • • •

[4-105]
23 Q I also ask you to place in front of you, Mr. Sharman,

24 Plaintiff's Exhibit 34-H18, which is the Black and Hispanic
25 population distribution by VTD of Comal County.

[4-106]
1 JUDGE HARMON: Give us one second.
2 JUDGE JONES: "Comal," Mr. Hirtz.
3 MR. HIRTZ: I stand corrected.
4 JUDGE HARMON: Is that the map book or in other
5 books?
6 MR. HIRTZ: It is in a large map. I believe this
7 may be your copy.
8 THE WITNESS: Could I get some water, please.
9 MR. HIRTZ: You certainly may, sir.
10 BY MR. HIRTZ:
11 Q You have both of those maps in front of you at this
12 time, Mr. Sharman?
13 A Yes, sir. I do.
14 Q Now, you have testified that you were going after
15 Democratic voters by this cut into Comal County?
16 A I represented that was one reason. I also said it was
17 because, to some extent, of the race and also because of the
18 community of interest.
19 Q Are you now telling us that one of the reasons was the
20 race?
21 A I said that before. I think I was consistent.
22 Q As a matter of fact, the cut you made into Comal County

picked up one precinct that was 57 to 100 percent Democratic
and another, looks like a precinct-and-a-half, that was 52 to
57 percent; but it picked up a large block of Republican

[4-107]
voters on its way in and then extended on in to pick up a
large block of Republican voters in the next, I guess it's a
split precinct?
A Yes. That's a split precinct. It shows up here that
precinct was Republican, but I wouldn't represent those
voters as being Republican.
Q Well, this NCEC index that you have been relying on says
they were Republican voters?
A This is 1990, and it doesn't represent the effects of
the cut.
Q You didn't know the effects of the cut when you were
making the cut, did you?
A We had a fairly good idea about it.
Q You had a good idea, because if you look at Plaintiff's
Exhibit 34-H18, the precincts on the way in, it shows a Black
and Hispanic population concentration of 70 to 100 percent,
and in the little finger that comes up in what's marked on

Exhibit 34-H18 of -- what is that? Can you read that?
A The precinct number?
Q Yes, sir.
A Looks like 0018 or 0016. I think it's 16.
Q On the population map that shows an Hispanic and Black
concentration of 50 to 60 percent, does it not?
A It does.
Q Isn't it a fact that cut was made because of race and no

[4-108]
other reason, Mr. Sharman?

A No. Not no other reason. That was a top reason, but it
was --
Q A what? A top reason?
A It was one of the major reasons. It was not the reason.
It was also because of the G.O. Political.
I wouldn't represent the fact that it was Democratic
as being a primary factor, because the district was fairly
Democratic. We weren't worried about that Hispanic district
being a Republican district. It's not what I represented we
worried about that; and I said race didn't play a factor.
This was a voting rights district, and we did take race into
account, but it was not a sole --
Q Let me come back to your answer, sir. Was it a top

reason? Was race a top reason for making the cut the way it was done?

A If you took those three reasons and ranked them, I would say the fact it was geo-political and the race of these voters were probably equally weighted, and Democratic was third.

Q Let's refer to the State's Exhibit 9-B map for Guadalupe County.

A Okay.

Q And look at Guadalupe County on Plaintiff's Exhibit 34-H26.

[4-109]

A Okay.

Q Looking at State's Exhibit 9-B, you have told us that thje cut was made to pick up Democrats; isn't that correct?

A That was one of the reasons, yes.

Q Well, didn't you tell us that?

JUDGE HITTNER: Which cut? Coming in where?

MR. HIRTZ: District 28.

THE WITNESS: Coming into Guadalupe County.

A Yes. I said that was one of the reasons. I also said race, to some extent, played a factor. I also said geo-political reasons played a factor.

Q Let's compare the outline of that cut on District 28 with the racial composition of the areas cut on Plaintiff's Exhibit 34-6.

A Okay.

Q What is the racial composition of these two precincts to the northern part of the cut? Give me the numbers.

A Well, it shows on this gradiation over here those are 25 to 40 percent.

Q Black and Hispanic?

A That is correct.

Q As you come down the cut, what is the racial composition of the next precinct?

A The same.

Q Of the three precincts in the center, what is the racial

[4-110]

composition of those three precincts?

A Looks like there is four precincts, and those were 70 to 100 percent. That is the Hispanic population.

Q And then there is a jag to the north of precinct 0209. What is the racial or ethnic composition of that precinct?

A Well, begin, that's precincts, I think these precincts are not the same. It doesn't say.

Q My question is, what is the --

A Well, you are representing it as a jag; and if you will

notice on this exhibit here, that was --
Q If you could refer to it by number. State's Exhibit
9-D?
A Yes. It's not on here. I am sorry. That was all Precinct 231. I mean, that's the way the precinct went.
Q So the precinct was split to pick up the Hispanics?
A No, sir. If you look at the map, it was not split. I am saying that that's the way precinct goes. On this map these precincts aren't the same. This is obviously redrawn precincts. The precinct now has been split on this map.
This is 1990, and this does not represent what -- it's says it's based on 1990 population data, but it doesn't say whether --
JUDGE JONES: The NCEC?
THE WITNESS: No, ma'am. It's this other -- I don't know --

[4-111]
MR. HIRTZ: Texas Legislative Counsel.
THE WITNESS: It's Exhibit 34-H26. It does not say what -- I don't even know if those are precinct lines. I think this is --
MR. HICKS: Can I ask what the exhibit number is on that?

MR. HIRTZ: 34-H26.
MR. HICKS: Yours looks different than mine.
MR. HIRTZ: Touche'.
MR. HICKS: The copy you provided me says 1992 VTD.
What's the date yours was printed?
MR. HIRTZ: This one says 1992 VTDs 2.
THE WITNESS: There it is. The VTDs are different.
BY MR. HIRTZ:
Q What's the population concentration of this, whatever this jag to the north is, whether it's a precinct or split precinct?
MR. HICKS: Excuse me. I think we have the same problem going on here, and so I wanted to interrupt to make sure I had the same exhibit.
Mine, that you provided us, says June 21, 1994, and it's a small map, not a big one.
THE WITNESS: This says March 14th.
MR. HIRTZ: Would you look to come over here and look at this map so you can follow the testimony?

[4-112]
MR. HICKS: I would like to get a copy of the exhibit.
MR. HIRTZ: Be delighted to, sir.
BY MR. HIRTZ:
Q What's the racial composition of that jag?
A Well, as I represented, this whole precinct went that

direction, but that portion of the newly redrawn precinct is
60 to 70 percent Hispanic.
Q Then the cut lines come down and pick up more minority
population that is 25 to 40 percent in Guadalupe County.
A Those aren't cuts. Those are whole precincts.
Q Whole precincts. Excuse me. I am referring to 28 as
the cut through the county.
A Okay. I am sorry.
Q Isn't it a fact that when you say you are after
Democrats, you are actually after minority voters in dividing
up Guadalupe County in making the 1991 congressional
redistricting plan, Mr. Sharman?
A That isn't the only reason we would have gotten this
large precinct.
Q Isn't it a fact you were after minority voters, Mr.
Sharman?
A To some extent. I already said that.
Q Let's refer to Midland County in State's Exhibit 9-B,
and I ask you to refer to Plaintiff's Exhibit 34-H34. Do you

[4-113]
have both sets of maps in front of you?
A I do.
Q You testified on your direct examination that you were
after good Democratic voters for Midland.
A I don't recall using those terms. We were after

Democrats, yes.
Q After Democrats?
A Yes.
Q You went in and --
A I also said that minority composition played to some
extent; but in this particular district it played less. I
would say here that Democrats outweighed the race as a factor
because this district was not --
MR. HIRTZ: Move to strike your answer as nonresponsive, Mr. Sharman.
JUDGE JONES: Overruled.
A That's what you asked me. I am sorry.
Q You went in after Democrats and you picked up voting
concentrations of Democrats in one, two, part of a third and
looks like part of the fourth precinct, did you not?
A Well --
Q Yes or no?
A On this map that's what it represents, yes.
Q But the insert of District 23 went further and picked
up --

[4-114]
A Yes. It did.
Q And if you look at the reason for that, it's shown very
clearly on the racial maps, Plaintiff's Exhibit 34-H34, is it
not?
A Well, that wouldn't be the reason. And you're

representing this NCEC index as the only way to measure
Democratic voting strength. This is an up-ballot, more
conservative-type election.
Q I can understand why you might want to back off that
NCEC at this time.
A I am not backing off at all.
MR. HICKS: I object. He is testifying, not
questioning I think him.
JUDGE JONES: Overruled.
BY MR. HIRTZ:
Q But my question is, isn't it a fact that where you went
on further with the insert into Midland, you picked up VTD
203A and 0310, both of which show heavy minority
concentrations?
A Well, it might help if you look at the 1990 because we
didn't have 1992 precincts. It's 203. Yes, we picked up 203
primarily because it had Hispanics.
Q Let's move on to Ector County. I guess we will move
back because these are in alphabetical order, State's Exhibit
9-B. Ector is on one of the quarterly maps. Then if we

[4-115]
could move back to Plaintiff's Exhibit 34-H21.
Now, in Ector County, again you've testified that

you were, in making the plan, in constructing the plan and
drawing the district lines, you were going after Democratic
voters?
MR. HICKS: I object. That is not his testimony
about Ector County. That's a mischaracterization.
A I said it was a combination of factors. That was a
factor, yes.
Q But a more important factor is that in making that cut
on up into what on State's Exhibit shows a Republican
precinct, you were picking up more minority voters, were you
not?
A In that instance, yes; but also a large precinct here
was minority we didn't pick up.
Q My question is, the small little do-hickey up here,
those are minority voters, are they not?
A I think you are getting confused as intent versus
result, and I told you the intent here is multi-faceted.
There were a number of factors that went into the cuts,
specific cuts, if you want to look at just the specific cut
and not the composition and what went in the drawing the
whole district.
Again, yes, race was a factor because this is a

district covered by the Voting Rights Act. These are

[4-116]

Hispanics. This is a Hispanic district. So, yes, it was a
factor. It was not the sole factor and was not the primary
factor.

Q A major factor?

A It was a factor. It depends on where you are and what
district you are looking at how those priorities change. It
was floating, and it changed.

Q If I directed your attention to State's Exhibit 9-B
involving Tom Green County, Montgomery County, Smith County,
and Collin County and asked you to compare them with
Plaintiff's Exhibits 34-H39, Plaintiff's Exhibits 34-H35 from
Montgomery County, Smith County, 34-H 38, and Collin County,
34-H17 --

A You want me to do all this at the same time or just --

Q -- your answers would be approximately the same, that in
each of those cases race was a factor, would it not?

MR. HICKS: I object.

A No.

Q It would not be?

A No. There was no race racial factor in Collin County

whatsoever that I can remember.
It depends on which district you are talking about.
If you talking about District 4, it wasn't. If you are
talking about District 30, yes, it was to some accident.

Q Let's turn to Collin County in State's Exhibit 9-B.

[4-117]

If you look at Plaintiff's Exhibit 34-H17.

A Okay.

Q Let's wait for Mr. Hicks.
What is it your understanding of your intent in cutting into Collin County?

A I just answered the 30th District race was a factor, but
in the 4th District, which takes a large part of the county,
race was not a factor, and most of that has no racial at all.
There happens to be some in the City of McKinney, but that
was just -- race was not a factor when considering this
district.
It's not a voting rights district. We didn't look
at race, we looked at voting patterns, and looked at that
time fact this was more rural and it was out of the major
growth corridors, et cetera. I mean, there were a lot of
different things, but race was not a factor in the portion
that went into District 4.

Q It was a factor that went into District 30, a major factor, was it not?
A It was more of a factor in District 30.
Q Well, haven't you testified that for District 30 you were trying to draw a majority Black district?
A Yes. That's why I testified it was a factor in that district.
Q A major factor?

[4-118]
A The Voting Rights Act is something we would look at, but if you're talking about one little specific cut, that little specific cut, was that a major factor, no. The district composition as a whole of what the population was was what we were looking at in terms of Voting Rights Act. We didn't look at every single precinct, go precinct by precinct and say, this is a major here, a major factor. You have to look at the district at a whole.
Q I thought you were interested in the voting patterns of the individuals within these, even the split precincts?
A It depends on what what district you are talking about. If it's a solidly Democratic district because it happens to

be a minority district, then that's not as much of a factor.
Q Let's move to Smith County in Exhibit 9-B, and the corresponding racial ethnicity will be 34-H38.
A Okay.
Q Tell me what your understanding of the intent was in Smith County.
A It was to get fairly large Democratic population put into John Bryant's district.
JUDGE HITTNER: Put into which district?
THE WITNESS: John Bryant's district, Your Honor.
BY MR. HIRTZ:
Q You were after Democrats?
A That's correct.

[4-119]
Q But the way in which the cut of this county is drawn, you picked up, according to Exhibit 34-H38, minority voters?
A In this instance, they were one in the same, just about; but we did not pick up all of the Democrats or all of the minorities, even though there was significant concentrations left out, so it was --
JUDGE HITTNER: Well, District 4 is also Democrat; is that correct?
THE WITNESS: That's correct, sir. And there is

some kind of balance going on, we didn't want to totally take
all the Democrats out of Ralph Hall's district and make him
unable to run for re-election in that district. There is
other counties that are split.